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THE
IRISH LAND QUESTION
IMPARTIALLY CONSIDERED



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THE
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IMPARTIALLY CONSIDERED.

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THE
IRISH LAND QUESTION,
IMPARTIALLY CONSIDERED.

BY
A CLOSE OBSERVER OF LONG LOCAL EXPERIENCE, AND
ONE WHO HAS HAD OPPORTUNITIES OF
WORLD-WIDE COMPARISONS.

"A land that ne'er has known repose."—Lord LYTTON.

"I have now the honour of addressing practical men; and I would ask any gentleman here present to take a farm at will upon which the landlord never intended to do anything. Then suppose that he built upon that farm a house and homestead, erected fences, and drained it, and was then turned out at six months' notice by the landlord, who took to himself the whole benefit of the tenant's labour and expenditure. I ask if there could be language strong enough in this country, in those meetings that are now taking place, and in the press, to condemn the felonious act of such a landlord as that?" (Loud cheers.)—*Extract from Lord CLARENDON's late Speech at the Walsford Agricultural Society.*

"Security is the first condition of progress."—*Times Commissioner.*



F. R. G. S.

L O N D O N :
CHAPMAN AND HALL, 193, PICCADILLY.
1870.

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PREFACE.

I REMEMBER an American writer who, fearing lest a good joke of his should escape appreciation, inserted a parenthesis, saying ("The laugh comes in here"); and actuated by a similar apprehension, I beg leave to admonish my readers that the pith of my suggestions is to be found in the concluding part of my pamphlet.

I adopt this precaution knowing that many are inclined to skip over preliminaries, in the hope of finding a short cut to what they deem essential, somewhat on the principle of a countryman of mine, who, desirous of learning the flute in a hurry, told the music-master to "give him the third lesson first," conceiving it would be the saving both of time and expense.

THE AUTHOR.

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THE IRISH LAND QUESTION.



PART I.

Compendious historical and social sketch.—Brief historical retrospect, demonstrating that progress and prosperity are utterly incompatible with invasions, civil wars, confiscations, antagonisms of race and creed, and the studied insecurity of land tenure.

IN approaching this question I feel it necessary, in the first instance, to give a very brief semi-ancient and modern sketch of the country it so vitally concerns, since it has been so very exceptionally circumstanced for ages past in almost all its relations; but I shall neither dwell nor descant on any of the various topics which may suggest themselves, nor detain the reader by any extrinsic remarks of mine from arriving at the marrow of the subject.

From the landing in the middle of the twelfth century of Strongbow's lieutenants, the half-brothers, Robert Fitzstephen and Maurice Fitzgerald, sons of Nesta, one of the many dismissed mistresses of Henry I., the history of Ireland till the Union was little more than a continued series of invasions,

conquests, intestine feuds, rebellions, slaughters, civil wars, cold-blooded massacres of women and children, famines, plagues, wholesale confiscations, violated treaties, and religious persecutions, together with a multitudinous stream of immigrations of the scum and dregs of Britain and Normandy, who, as Lingard says, "united to the advantages of partial civilisation the ferocity of savages." The Irish, and those hosts of depraved adventurers whom crime or a criminal lust of acquisition attracted to their shores, were very naturally at fierce feud, though at times the English were aided by outcast natives, while at others they sold their services to some native sept: for the most part, however, it was a war of races in which the aboriginal Celt stood little chance against his mail-clad opponent, for we find that at the battle of Athenree, fought the year after that of Bannockburn, the natives lost eleven thousand men. This deadly enmity was continued for several centuries, and penal laws of the most barbarous description were from time to time enacted by the conquerors. By the inhuman Statute of Kilkenny, passed in the reign of Edward III., it was provided that "marriage nurture or gossipred with the Irish should be subject to the same punishment as high treason," while the murder of a native was not recognised by law unless he had purchased the king's charter investing him with the rights of an Englishman, the principal motive on the sovereign's part being lucre "*quod est commodum regis.*" In those days a criminal who

had forfeited his life or liberty and escaped into Ireland was secure from justice, as he then acquired the right of sanctuary there, and not only that, but a certainty, as Lingard informs us, "of attaining elevated caste, in proportion to the number of native Irish he slaughtered or otherwise atrociously treated," after the immemorial custom of Red Indian usage, which deems honour and reward due to the savage who can show the greatest number of human scalps upon his girdle. This privilege was first formally allowed by Richard Duke of York, father of Edward IV., during his governorship of Ireland, and stands in melancholy contrast to the events of the present age, when, as we all know, the inhabitants of the Cape of Good Hope firmly resisted the landing of our deported criminals, and the Australian colonies have flatly refused to receive them for the future. Criminals continued to avail themselves of Irish sanctuary until the reign of Henry VII., who abolished it, feeling that it reacted prejudicially on England.

Much of the aversion created by this atrocious tyranny has been transmitted to existing races, who still continue to regard each other as natural enemies, and will, I fear, still continue to do so, unless every reminiscence of the past is effaced by a benevolent measure, giving the tenant such an equitable tenure in his holding as will convey the assurance that the hard-earned fruits of his industry will be enjoyed by his offspring. When one recol-

lects Ireland's fame for learning, and the comparative peace and prosperity which existed before the Conquest—undertaken, by-the-way, with the English Pope's approval, under the pretext of instructing the people, extirpating their vices, reforming the clergy, collecting Peter's pence,—he can hardly believe that John XXII. commissioned the Archbishops of Dublin and Cashel to excommunicate all who would not submit to their tyrants. Dr. Samuel Johnson, in reading over old Irish history, exclaimed in astonishment, "Such sufferings as the Irish have endured are unparalleled even in the history of the ten persecutions;" and that profound statesman, Edmund Burke, characterised the system of government pursued towards the Irish "as a wise and elaborate contrivance—as well fitted for the oppression, impoverishment, demoralization, and degradation of a people, and debasement in them of human nature, as ever proceeded from the ingenuity of man."

Yet grave political philosophers pretend to ascribe the backward state of the country to the influences of sloth, improvidence, and lawlessness, as if, forsooth, either man, beast, or country could thrive or prosper under the vampire plagues with which Ireland has been unremittingly afflicted. Caffrarian settlers see and pity their luckless cattle emaciated by the tortures and suction of the tetzee fly, but oligarchical landlords deny both relief or compassion to their impoverished tenants, languishing in misery and discontent from the precariousness of their tenures.

In order to understand the Irish land question fully, it is necessary to have a correct idea of the social state of the country, of which I shall endeavour to give a general outline. The lords of the soil, and in many cases its occupiers, are, with rare exceptions, of Anglo-Norman or English descent, while the peasantry are Anglo-Celts, except in Connaught, where there is more, and in Ulster, where there is less Celtic lineage. The landlords are, for the most part, Tories and Protestants, while their tenants are most frequently Liberals and Catholics. These differences of race, politics, and creeds prevent that sympathy which exists between the proprietors and their tenants in England, as was cruelly shown during the famine, when hundreds of thousands of starving wretches were evicted from their homes for non-payment of rent. In fifteen years, between 1847 and 1861, the population was reduced from 9,000,000 to 5,700,000, a thing unparalleled in history. Much of the land belongs to English Companies and other absentees, who annually draw enormous rents from the country, impoverishing it frightfully, while many of them rarely, if ever, visit their properties. The estates of extensive absentee proprietors are generally much better managed than those of most resident landlords, who are less wealthy, and more tempted to be extortionate, besides being imbued, in very many instances, with the antipathies of their class to the peasantry. Such absentees are almost, without exception, English, who, so far as

their agents carry out their wishes, treat the tenantry with that amenity and kindness which characterises the relationship of landlord and tenant in the sister country, evincing a benevolence which Irish landlords seldom exhibit. But the great majority of absentees are an unmitigated evil. Their properties are badly managed, their rents are spent abroad, and their duties are unperformed; ninety-five per cent. of the farmers are yearly tenants, subject to be dispossessed at the expiration of a six-months' notice to quit, or to have their rents arbitrarily increased. Those powers, which landlords have times without number unjustly and dishonestly abused, render that tenure so very insecure, that the tenants, who, with few exceptions, made the immense improvements which have been effected, leave their lands as they found them, preferring a bad soil at a price which enables them to pay rent and exist, to a holding let for more than its value. Precarious as is the security of tenure which the law confers on a yearly tenant, many landlords lessen it by nefarious contracts, such as I hereafter specify. The land, as a rule, is let too high, especially the poor soils; but excessive competition induces the offer of exorbitant rates, which the tenants can only eke out by working for others and harvesting the crops in Britain, only leaving them better off than agricultural labourers, because they have more constant employment. The backward state of Ireland is often attributed to race, creed, sloth, and lawlessness: but where English blood

preponderates, as in Meath and the head-quarters of the Pale, the small farmers are extremely poor ; and where the peasantry are almost exclusively Catholic, as in Wexford, they are prosperous, though the land is poor. Coroners' inquests, police reports, and the different calendars conclusively show, that comparatively with other divisions of the United Kingdom, the Irish are a moral, law-abiding people ; and the millions of acres of bog mountain, and morass which generations of tenantry have converted into fertile land, are convincing proofs of their industry, and this even though the spirit of energy has been systematically repressed throughout the land.

In ventilating this difficult subject, I must take a brief historical retrospect, but in doing so I shall confine myself to facts, and abstain from any reminiscence which I conscientiously consider unnecessary or irritating. My aim is kindly and charitable, and my honest desire is to propound my plan without either giving offence or counselling extravagance. We have all of us seen the same cage, containing the most hostile animals in creation, living side by side in amity and good neighbourhood ; then surely it cannot be an impossible task for our legislators to organise amongst reasoning beings a "happy family," dwelling in the same island, showing that priests and parsons, Radicals and Tories, Orangemen and Ribbonmen, and landlords and tenants can be brought to live and associate in good fellowship, peace and order. I shall go no further back in my hasty glance

than 1642, and in fixing the Cromwellian era as my starting-point, I suppose I may, in round numbers, embrace the whole period of the godly Oliver's career, taking for granted when, as leading general of the Parliamentary army, he advised the invasion of Ireland, he had, as the Americans say, "taken stock" of affairs in general, and pretty well predetermined on his future course. History awards him a character for worldly shrewdness and calculating intelligence quite on a par with his well-known attribute of energetic and dauntless bravery, and I feel I am fully justified in asserting that, when he gravely counselled a sanguinary and expensive war, he did not blindly embark in a precarious and costly campaign in order that he might eventually become lord and master of an irreclaimable quagmire or wide-spreading morass.

Without going into the tedious details of the rise and progress of the Civil War, it may indicate the fierce spirit in which it was inaugurated, to cite a section from an enactment of the Lords and Commons of England, passed on the 24th of October, 1644, which sets forth "that no quarter shall be given to any Irishman, or any person born in Ireland;" and the Puritan historian of the day, Borlase, gravely affirms "that those orders of the Parliament were excellently well executed;" while Dr. Nalson, another Puritan historian, declares "that no manner of compassion or discrimination was shown to either age or sex." One of the Puritan officers, Colonel Tichborne,

who commanded in Dundalk, "was able," he wrote, "to boast that there was neither man nor beast to be found in sixteen miles between the two towns of Drogheda and Dundalk, nor on the other side of Dundalk, in the county of Monaghan, nearer than Carrickmacross." To which a contemporary Protestant dignitary, Dean Barnard, adds, that "by the death of many men about us having their houses and all their provisions either burnt or destroyed, the dogs only surviving are found very usually feeding on their dead masters, which taste of man's flesh made it very dangerous for the passengers of the roads, who have been often set upon by these mastiffs, till we were careful to kill them."* Another officer, Sir Wm. Cole, commanding in the north, said "he caused to be slain in a short period," as Borlase informs us, "together with 2,400 swordsmen, 7,000 of the vulgar sort." "Such," adds the same historian, "is the manner the English fight in other quarters."† In the Commons' Journal of 1644,‡ it is recorded that Captain Swanley, having captured a vessel at sea, and thrown seventy people overboard because they were Irish, was summoned to the bar of the House of Commons, "and had the thanks there given him for his good service, and a chain of gold 200*l.* in value." Lord Clarendon writes,§ "that it was not an exceptional case, but on the contrary, with officers of the navy, who followed it out as an invariable rule when-

* "Hist. of Rebellion," vol. —, p. 109.

† Vol. iii. p. 517.

† Page 118.

§ Vol. ii. p. 478.

ever they took Irish prisoners to bind them back to back, and throw them overboard, the general watchword being, 'Extirpate the Irish root and branch.' "

Cromwell, who landed in Ireland in 1649, on his arrival in Dublin, addressing his soldiers, declared "that no mercy should be shown to the Irish, and that they should be dealt with as the Canaanites in Joshua's time ;"* afterwards, when writing to Parliament, he made a boast "that despite promised quarter, he gave orders that all should be put to the sword,"† and subsequently in the usual Puritanical, blasphemous style of that period, he designated the brutal massacre "a righteous judgment of God." The orthodox Clarendon‡ records "that during five days whilst the streets of Drogheda ran with blood, the whole army executed all manner of cruelty, and put all the citizens who were Irish, man, woman, and child, to the sword." Ormond's letters inform us "that Sir William Parsons advised the Governor to the burning of the corn, and to slaughter indiscriminately;" and Sir Adam Loftus wrote to revive the practice pursued at the time of Elizabeth, which was strongly recommended by Spenser, in order, he said, "that the Irish might be thus driven to devour each other." Yet this is the man who is quoted as a good and truthful authority by such an eminent writer as

* Dr. Anderson's "Royal Gen." pp. 76—78.

† Letter, 17th Sept., 1649, to Hon. William Lenthall, Speaker.

‡ Vol. vi. p. 395.

Macaulay. Spenser was secretary to Lord Grey-de-Wilton, one of the most cruel and rapacious viceroys that Ireland was ever cursed with ; and in his leisure hours wrote the first part of "The Faerie Queen," which he presented to Elizabeth, then fifty-seven years of age, and received as a reward for this most fulsome flattery a pension of fifty pounds a year. As a matter of course a terrible famine ensued, followed by a dire plague and pestilence, which I will allow Colonel Lawrence, a good Puritan historian, to depict and describe.* "The famine and plague, too, swept away whole counties, that a man might travel twenty or thirty miles and not see a living creature, either man, beast, or bird, they being either all dead, or had quit those desolate places. Our soldiers would tell stories of the place where they saw a smoke, it was so rare to see either smoke by day or fire or candle by night ; and when we did meet with two or three poor cabins, none were in them but very aged men, with old women and children, and those, like the prophet, might have complained, 'We are as a bottle in the smoke ; our skin is black like unto an oven, because of the terrible famine.' I have seen those miserable creatures plucking stinking carrion out of a ditch black and rotten, and have been credibly informed they digged corpses out of the grave to eat, and some instances are added too terrible to mention," as if anything could be more utterly horrible than enforced voracious cannibalism. Borlase estimates

* "Interest of Ireland," Part ii. pp. 86-7.

“that in the year 1654 alone, 27,000, while another contemporary historian thinks that fully 40,000 were banished from Ireland, either hunted into servitude in England, or transported to the West Indian colonies as absolute slaves.” Haverty, in his History of Ireland, gives the Privy Council Book as his authority for stating “that fully five millions of acres were parcelled out among the Puritan soldiers and favourites of Cromwell.” Ludlow the regicide, in his Memoirs, states how the natives secreted themselves in a cave to avoid the soldiers on their march from Dundalk to Castleblaney, “but were smothered by his men lighting fires at its mouth,” thus practising in advance the murderous acts of the French under Pellisier, during their razzia in the Arabian Algeria.

The cry and policy of “sending to hell or to Connaught” was instituted about this time; but in order to avoid prolixity, and shun the suspicion of exaggeration, I shall leave Lord Clarendon to expatiate on the subject.* He states: “They [the Puritans] found the utter extermination of the nation, which they had intended, to be in itself so very difficult, and to carry in it *somewhat* of horror, that made some impression on their stone-hardened hearts. After so many were destroyed by the plague, which raged all over the kingdom, by fire, sword, and famine, and after so many thousands transported to foreign parts, there remained still such a numerous people that they knew

* Clarendon's “Life,” vol. ii. p. 116.

not how to dispose of them; and though the lands were declared to be all forfeited, and they to have no title to anything, yet they must remain somewhere; they therefore found this expedient, which they called an *act of grace*. There was a large tract of land, even to the half of the province of Connaught, that was separated from the rest by a long and large river, and which by the plague and many massacres remained almost desolate. Into this space they required all the Irish to retire by such a day under the penalty of death; and who should after that time be found in any other part of the kingdom, man, woman, or child, should be killed by anybody who saw or met them. The land within the circuit, the most barren in the kingdom, was, out of this grace and mercy of the conquerors, assigned to those of the nation as were enclosed, in such proportions as might with great industry preserve their lives."

In quoting these appalling occurrences, I entirely deprecate and sincerely disavow any desire of resuscitating the vengeful reminiscences of the Irish, or of reverting to their authentic perpetration in a bitter, spiteful spirit, taunting the English with the commission of unheard-of, almost forgotten barbarities. My object is to reveal to the British nation of the present day the cruel sufferings of our Celtic forefathers, in the hope that the real history of those times may be taken into proper account when the day of reckoning comes round, as it is to be hoped it will in the coming Parliament. Ireland, at the period of which I write,

may be regarded as a desolate waste, depopulated, uncultivated, scarce affording sustenance to a merciless enemy. "The best land was only rated at four shillings per acre and some only at one penny."* As a sort of relaxation after their bloody career, the troops organized a sort of national lottery, to distribute the lands of the conquered kingdom; but Cromwell, keeping the main point in view, and practically demonstrating that he could select choice land as well as quote Scripture, reserved for himself, as a private demesne, an immense area comprising the richest parts of Tipperary and Limerick, which, if space would permit me, I could clearly show included a large belt of that famous territory known since as "the Golden Vein."

Now that opposition and fighting was brought to an end, by means infinitely more atrocious than the poisoning of wells in an enemy's country, the administrative task arose of providing the soil with settlers. Most inviting offers were made to the colonists of New England and likewise to the Vaudois of Piedmont; but those offers were made in vain, for so universally well known was the brutality and bad faith of the Puritan officers in Ireland, even in those days when intelligence travelled so slowly, that none but the dregs and refuse of society could be found even in England to seek a share in the spoil; and many of the citizens of London were fully impressed with the belief that the great fire of 1666 was no more than a

* "Life of Lord Orrery," vol. ii. p. 107.

just chastisement from God for the wicked cruelties practised against the Irish.

Amongst the manuscripts belonging to the King's Library in the British Museum is a work entitled, "An Account of Ireland," written in 1773, which, speaking of the Cromwellian era, thus describes the hordes of sectaries and vagabonds that overspread the three confiscated provinces of Ireland. "An army of new settlers, and mostly of new religions, whether Anabaptists, Socinians, Muggletonians, Brownists, and Millenarians, together with swarms of rough fellows collected from taverns, barbers' shops, highways, pothouses, and stables, now obtained large tracts of forfeited lands in Ireland; and from these adventurers are sprung and descended some of the principal persons in the kingdom in opulence and power;" which description is fully borne out by the great Tory, Lord Clare, in his famous speech on the Union. "A new colony," says he, "composed of all the various sects which then infested England—Independents, Anabaptists, Seceders, Brownists, Socinians, Millenarians, and Dissenters of every description, many of them infected with the leaven of democracy,—poured into Ireland, and were put into possession of the ancient inheritances of its inhabitants.

Sir William Petty,* writing in 1672, states that six thousand boys and women were sold as slaves to the undertakers of the American islands, and Bowdin

* "Political Anatomy of Ireland," p. 187.

“estimates the total number of exiles as one hundred thousand, and that Irish women, as being too numerous, now were sold to merchants, and transported to Virginia, New England, and Jamaica.”

This brings me by an easy stage and slight gradation to the days of the Restoration, quickly followed by the famous Act of Settlement, which I may sorrowfully add, gave the final *coup de grâce* to the dire sufferings of the unfortunate Irish. Their inextinguishable loyalty to the House of Stuart was proof against the most refined cruelty and the most protracted privations; and though it was like “hoping against hope” to persevere in cherishing those fond delusions throughout the long bleak night of their relentless persecution, yet in the most fearful season of adversity they were constant and unwavering, nursing with the most devoted faith, love, and affection the darling idea that Prince Charles would yet ascend the throne and repay his long-enduring Irish subjects with tearful gratitude; and that his royal sense of justice, while celebrating his glorious restoration, would gild the auspicious event with the lustrous halo of heavenly honesty, by reinstating them in their liberties and possessions.

But, alas! while this unswerving fidelity earned for them the wonder and admiration of their enemies, the heartless, deceptive, depraved Charles only recognised their unparalleled sacrifices by the cheap and hollow avowal, “that their loyalty and services were deserving of his special protection, favour, and

justice," which cold, insincere utterances may be read in the king's address to both Houses of Parliament, delivered on the 27th July, 1660.

Yes, truly, the glowing light which danced before the Irish vision during so many years of suffering and privation turned out to be the very rankest and most delusive *ignis fatuus*, for when, on the 30th of November, 1660, the famous Act of Settlement was promulgated from Whitehall, it was found to contain one sweeping clause, "vesting in the King and his heirs and successors all estates, whether real or personal, of every kind whatsoever in the kingdom of Ireland, which, at any time from the 21st of October, 1641, had in any way been seized by the Crown, or allotted to any person or persons, for adventures, arrears, reprisals, or otherwise, or whereof any soldier, adventurer, or other person was in possession of, for, or on account of the rebellion;" and not only was this most atrocious Act passed by acclamation, but Leland, in his history of Ireland, tells us "that the severest ordinances lately made against the Irish were strictly enforced, and executed against even the better order of the Irish gentry, decreeing that soldiers and adventurers who ruthlessly possessed themselves of their manor houses and lands should be continued in free and undisturbed possession of them." Some one hundred and thirty years later, the great Lord Clare, from whose famous speech I have already made an extract, delivered in his place in the Irish House of Lords the following words:

“Having thus, in the first instance, vested three-fourths of the lands and personal property of the inhabitants of this island in the King’s Commissioners, who were appointed with full and exclusive authority to hear and determine all claims upon the general fund, whether of officers or soldiers for arrears of pay, of adventurers who had advanced money for carrying on the war, or of innocent Papists, as they were called—in other words, of the old inhabitants of the island who had been dispossessed by Cromwell, not for taking a part in the rebellion against the English crown, but for their attachment to Charles II. But with respect to this class of sufferers, who might naturally have expected a preference of claim, a clause was introduced by which they were postponed after a decree of innocence by the Commissioners, until previous reprisals shall be made to Cromwell’s soldiers and adventurers who had obtained possession of their inheritance. I will not detain the House with a minute detail of the provisions of this Act thus passed for the settlement of Ireland, *but I wish gentlemen who call themselves the independent Irish Nation to know* that seven millions eight hundred thousand acres of land were set out under the authority of this Act to a *motley crew* of English adventurers, civil and military, nearly to the total exclusion of the old inhabitants of the island. Many of the latter class, who were entirely innocent of the rebellion, lost their inheritance, as well from the difficulties imposed on them by the Court of Claims

in the proofs required of their innocence as from a deficiency in the fund for reprisal to English adventurers."

Before giving my last extract regarding this historical juncture (1645), I will again allude to the generally-revered authority of the poet Spenser, to show that, while admitting his great literary merits, no reliance should be fairly placed upon his habitual statements, or the statistical enunciations contained in his "View of the State of Ireland," in which he labours to make it appear that the whole country was nothing more or less than a repulsive desert—that the inhabitants were a parcel of poor slouching rogues and rapparees addicted to the wearing of large flowing cloaks under which they might easily secrete any plunder they could stealthily pick up. Yet this veracious writer, who is so amply quoted and generally credited, most joyfully accepted a gift of 3,028 acres of land in the county Cork, which, in addition to his pension of 50*l.* a year, was at that time considered a right royal recompense to a "poor tutor," for his spaniel-like sycophancy of the old Queen, whom he typified in his poem, "The Faerie Queen," as a blooming young vestal virgin, though at the time the second part was published her Majesty was in her sixty-third year, with a few black decayed teeth, and wearing a red wig to correspond with the few scant tresses left of her original chignon. *Noscitur a sociis* is an olden axiom, but still applicable to the present age, about tantamount to the imputation that if you are

an economist of truth in one flagrant instance, you cannot be implicitly relied on in any other. And surely if the "poor tutor" depicts a lady of sixty-three years as a glorious young virgin, he cannot expect to have his verbose, tainted descriptions of Ireland received as gospel truths, the more particularly as it was well known when he wrote that the mere mention of Ireland was hateful to Elizabeth, from the worry and expense it entailed upon her; and that it was the especial interest of Spenser to depreciate the character of a country in which he was desirous most hastily to acquire possessions. About forty-nine years after he wrote his "Views of Ireland," with the premeditated intention of misleading those interested in the resources of the country, by misinforming them that it was an irreclaimable, sparsely-inhabited waste country, the derelict of creation. Well, as I say, about forty-nine years afterwards, ONLY, the Dean of Fermo (in Italy), the secretary of the Papal Nuncio, landed in the south-west of Ireland, after a long and perilous voyage, and wrote a letter honestly descriptive of what he saw and experienced, which was published in the "Dublin Review" of 1845. In my meagre extracts I can only give a mere skeleton of the publication. The Dean says: "Three hours after mid-day we found ourselves on the western coast of the island opposite the port of Kenmare, at the mouth of the river Maire, but as night was coming on the captain did not enter it. . . . My Lord Nuncio continuing

his journey by land was met by many personages and gentlemen as well as by numerous detachments of troops, for the secretary of the Southern Council, who travelled with his Excellency, had despatched messengers to various parts announcing his arrival.

. . . . Lord Muskerry, one of the chief nobility of the kingdom, as well as his son, received his Excellency with great honour: an immense throng had assembled on his arrival. . . . We proceeded thence to Macroom, and four days afterwards to Turasegal (Cloonem), thence to Kilmalock, and from that to Limerick. The country part through which we passed, though situated on a mountainous district, is agreeable, and being entirely pasture land is most abundantly stocked with cattle of every kind. Occasionally we met a long tract of valley interspersed with groves and woods, which, as they are neither high nor densely planted, partake more of the agreeable than the gloomy. About seventy miles of the country which we met was almost entirely of this character; but having once crossed the mountains, we entered on an immense plain, occasionally diversified with hill and valley, highly cultivated and enriched with a vast number of cattle, especially oxen and sheep, from the latter of which is obtained the very finest of what is called amongst us English wool.

“The men are fine-looking and of incredible strength. They are stout runners, and bear every sort of hardship with indescribable cheerfulness.

They are all devoted to arms, and especially now, as they are at war. Those who apply themselves to the study of literature are most learned; and such persons are to be found of every profession and in every branch of science. The women are remarkably tall and comely, displaying a charming union of gracefulness with modesty and devotion, &c. . . . They give most superb entertainments, both of flesh and fish, for they have both in the greatest abundance. They are perpetually pledging healths, the usual drink being Spanish wine, French claret, most delicious beer, and most excellent milk. Butter is used on all occasions, and there is no food with which a large quantity is not taken. Already we have accommodated ourselves to the usages of the country; but we give up the language altogether, on account of its great difficulty. A fat ox cost sixteen shillings; a sheep, fifteen pence; a pair of capons or fowls, five pence; eggs half a farthing each; and so on, the rest in proportion. You can have a large fish for a penny, and game is so abundant that they make no account of it at all. Both salt and fresh water fish are most exquisite, and so abundant that for fifteen pence we bought one hundred and fifty pounds' weight of excellent fish, such as pike, salmon, herring, trout, &c., all exceeding good in quality. We got a thousand pilchards and oysters for twenty-five boischi (twelve and a half pence). The horses are very plenty, and stout, well-formed, swift, and cheap; so that for five pounds you might buy one

which in Italy could not be had for one hundred gold pieces."

Now I will simply ask the reader to "look on this picture and on that." Peruse the detailed account of the "Spenser," in 1596, whose main object was to propitiate the favour of his royal mistress, and then turn to the minute and circumstantial account of an accomplished, unbiassed foreigner, who certainly did not journey through the most advanced or flourishing part of the country, and whose leaning, most undoubtedly, would be other than favourable to the rulers then in power, which would rather lead him to describe the Irish as debased and impoverished, and languishing under a tyrannical Protestant government, than a happy, contented, and prosperous people.

I do not proceed thus in an unforgiving, malicious spirit. In placing those two authorities in juxtaposition I am altogether uninfluenced by a desire to question or unsettle the belief of the English in the veracity of their admirable poet; but I wish to invoke and invite their immemorial spirit and love of fair play. In these sceptical, statistical days, which utterly proscribe eloquent or oratorical painting—when even the material food we daily consume is subjected to a searching analysis,—I trust I may stand excused for interposing my humble caution not to accept the mere *ipse dixit* of any individual, or take an assertion for granted before weighing all the just and pertinent probabilities of the case. As the lawyers say, my question may not be strictly rele-

vant, but I am only testing the credibility of the witness.

It was in the year 1642 that the English Parliament came to the resolution of invading Ireland, and exterminating the people; and in the year 1644 that it deliberately passed the enactment which I have part quoted in the commencement of this letter, "that no quarter should be given to any Irishman;" at which date, too, Tichborne describes the widespread desolation in the large district in which he governed, and Col. Lawrence relates the truly awful effects of the pestilent famine prevailing throughout the north-eastern region of the kingdom, where the Puritan army had established its footing. In the year following we read in the Dean of Fermo's communication the glowing details of the abundance and even luxury which a beneficent Providence vouchsafed to a fertile soil and a stalwart, industrious race; but alas! this period of peace and prosperity was doomed to decay and blacken under the fierce strife of invasion, like a flower-spangled prairie before the roaring career of a devastating fire. If my space would allow I could tax my sickening memory with the harrowing task of tracing step by step the wasting advance of the Puritan army, as Grattan eloquently said, "like tracking a wounded man by his blood;" I could sorrowfully show how this smiling portion of the down-trodden island was gradually but inevitably enveloped in the general devastation.

In about forty years after this lamentable era the

devoted land was again made the battle-field of rebellion between James II. and his son-in-law; William; and Macaulay, in describing the journey of James in Ulster, with his French *entourage*, quotes one of the French officers, who says: "This is like travelling in the deserts of Arabia." Ayaux, the French envoy, informed his Court that he had not been able to get one truss of hay for his horses without sending five miles for it. At Charlemont a bag of oatmeal was, with great difficulty and as a matter of favour, procured for the French legation. There was no flour bread whatever except at the table of the king, who had brought a little flour from Dublin, and to whom Ayaux had lent a servant who knew how to bake. Those who were honoured with an invitation to the royal table had their bread and wine measured out to them. Everybody else, however high in rank, ate horse-corn and drank water or detestable beer. After a lapse of some little time William himself landed at Carrickfergus, and the war soon got an evident stimulus. When, in the course of his progress, he cast eyes on the verdant valley of the Boyne, he at once gave way to raptures of delight. But the swift horrors of war soon transformed this teeming garden into a howling wilderness. Macaulay tells us that "the whole of Ulster, the greater part of Leinster, and about one-third of Munster had submitted to the English. The whole of Connaught, the greater part of Munster, and two or three counties of Leinster were held by the Irish." Still, like a

"It was," he continues, "long since William had ceased to be the lover of Elizabeth Villiers, who had some years ago been married to George Hamilton—a bold adventurous officer, most probably holding the courtier-like doctrine that a lady is not dishonoured by having been the paramour of a king." At all events, William was so well pleased with the marriage that he created him a peer of Scotland by the title of Earl Orkney; bestowing on his countess estates then valued at twenty-four thousand a year: and, curiously enough, a considerable portion of this dowry is situated in the county Sligo, where I first drew breath.

I shall not exactly go the length of saying *Ex uno disce omnes*; but I conceive I may assert, without fear of contradiction, that this was a good sample of the class of Muggletonians, Millenarians, Anabaptists, and Jack jumpers, out of which was manufactured the race of nobles and gentry with whom poor Ireland was saddled, and among whom such countless millions of confiscated acres were divided, which, if necessary, could be readily counted up without reverting to the rapine and robbery rife and rampant during the reigns of Henry VIII., Mary, Elizabeth, James I., and Charles I. Out of this mixed and motley crew there arose, as a matter of course, a progeny which in lapse of time furnished the landlords and legislators of the land. Landlords who, naturally feeling that their titles were so very questionably acquired, and inheriting their prejudices

of creed unimpaired, treated the natives—the necessary cultivators of the soil—as if they were alien savages, only a degree removed from those wild beasts they hunted either from caprice or amusement; and what, unfortunately, tended to nurse and keep alive those barbarous unchristian feelings was the reserve and hauteur of the older inheritors. Even so lately as my own day I heard a proud old Milesian dame say ironically to a Saxon Peer, “I have heard your ancestors made a great noise in the country,” meaning thereby that they were drummers in Cromwell’s army.

Naturally, the landlords supplied the Parliament with legislators; and those legislators, either from motives of apprehension or false ideas of self-interest, hedged themselves in with the most stringent land laws. That I am not overstating the case, I only beg the reader to refer to all the olden statutes embodying those laws, and to select, if he can, a single clause in them, from beginning to end, which either contains an encouraging or a sympathising enactment. The truth is, in their entirety they exhibit a huge unalloyed mass of selfish bigotry unrelieved by a scintilla of neighbourly or brotherly love: worthy precursors of the accursed penal laws, the most odious features of which were retained and enforced until the Legislative Union conferred on the Imperial Parliament the right of bringing English equity and Christian charity to bear on the subject.

The English also entertain erroneous notions as

well about the attributes of Irish character as about the race they now set down as unreasoning Celts. The absolute fact is, that the millions who are now regarded as pure undiluted Milesians are much more largely impregnated with Anglo-Saxon than Celtic blood; for to go no further back than Elizabeth's time, we can readily call to mind the vast area of her confiscations when to Raleigh alone she assigned twelve thousand acres. Then follows to James I., who planted an entire province. I shall not now stop to compute the appropriations and clearances of Charles I.; but the wholesale slaughters and banishments of Cromwell are so notorious and so naïvely described by Clarendon in his account of the act of grace which assigned "either hell or Connaught" as the last refuge of a doomed race, that the wonder is there was either a country or a people left for William to waste. Yet we see that Macaulay relates how he seized and desolated seventeen hundred thousand acres; and still it is gravely affirmed that the provinces of Leinster, Munster, and Connaught are now again peopled by the direct descendants of aboriginal natives: as if, forsooth, the names recited the other day by the "Times" Commissioner as the patronymics of the old Wexford farmers would not refute the assertion; or as if the land alone could produce crops of human beings as well as indigenous grasses. What, allow me to ask, became of the vast and motley tide of emigration that flowed without ebb from Great Britain into Ireland for centuries,

which Macaulay calculatingly says, "if continued for fifty years longer, would have left that country purely and entirely Saxon"? Were those countless Anglo-Saxon multitudes either robbed of their virility before crossing the Channel, or were the wretched remnants of a persecuted people so miraculously endowed that in less than a century they reproduced a race of original Celts, and noiselessly crowded out the temporary occupiers of the soil? No; the positive truth is that the race who are now impudently and disparagingly aspersed as uncivilized Celts have at least an equal, if not a much larger tincture of Anglo-Saxon blood in their veins: and if it should be objected that their patriotic instincts and prejudices point to an opposite conclusion, I will only repeat the phrase appropriated by a noble Irish family and apply it to a national offspring—"Hibernes Hiberniores."

PART II.

Shows that Ireland is largely susceptible of reclamation, and the extensive substitution of valuable wheat crops for oats, &c. ; and that the area of fertile pasture-land could be enormously increased, so as to produce and fatten sufficient live stock for home demand, thus stopping the ruinous drain which carries away gold to purchase corn and cattle.—The general question is stripped of its sophistical and other misrepresentations, and presented to British comprehension in its real light for a verdict.

FROM those fearful times at which I have so summarily glanced, and so very faintly portrayed, I will come in a stride to the days of honest Arthur Young, passing without much comment or observation on the interval which was not sufficiently long to admit of any degree of marked progress or improvement, the more particularly as the feuds, dissensions, and factious differences, both social and religious, interrupted in a great degree all material advancement, while they engendered the formation of those secret societies which have existed under divers denominations up to the present day. Arthur Young was an invader of a pacific character, a man of observant and inquiring mind, whose tour of

investigation was at least informing if it was not encouraging; but it is the habit and fashion now-a-days to fix the modern date of Irish existence at his advent, and to argue, statistically and otherwise, that since then the country has made marked and important advances in general amelioration, leaving the imagination to infer that this happy change has been slowly but surely brought about by the fostering care and encouragement of the lords of the soil, evoking the pertinent presumption that a system which super-induced such desirable results should not be rashly tampered with. I have no intention or desire to make a harsh remark, either concerning the present landlords or their progenitors; but in arraying the question in its simple costume for English appreciation I must utterly deny that the landlords are entitled to any credit whatsoever in this respect. No one has ever attempted to prove that they contributed an iota towards the change alluded to, either by legislation, example, or encouragement. It was the tenants alone who wrought it, and that, too, in the face of persecutions, evictions, and all sorts of petty agrarian tyranny. But it has been at best a halting, fitful regeneration, the result of isolated cases of paternal landlordism, or of that trusting industry of energetic occupiers which, when unscrupulously violated, has hatched and given birth to those lamentable outrages which have licensed political writers to call Ireland the Poland of the West.

Latter-day correspondents delight in drawing in-

vidious contrasts, always to the credit of the English tenant, and to the disgrace and disadvantage of the Irish. They elaborate circumstantial accounts of the slovenly husbandry they are doomed to witness—of the tumble-down fences—of the squalid mud cabins, and the rancid dunghills that surround them, when lo ! all of a sudden, on turning a corner, a rural paradise confronts them, rich in teeming crops and smiling abundance, the reward of skilful industry—the whole farm fenced in with the trimmest of hedges and the most tasteful of gates, intersected at proper intervals with well-constructed drains ; while in the pretty background stands the handsome residence, substantially built and slated, its convenient farmyard in the rear, contiguous to its pretty garden, with its “gravel walks there for recreation ;” in fact, its entire surroundings replete with all sorts of comforts and enjoyments. But in the fervid gush of this glowing description they forget to allude to the main element, the very foundation of this charming oasis, omitting to mention that all this enchanting prosperity is, root and branch, the first-fruits of a long and equitable lease.

An Englishman who acquires money by toil or ingenuity is naturally anxious to employ it, or put it out to fructify securely and profitably ; and, acting on the famous dictum of the Duke of Wellington, he usually prefers British Consols to Venezuelan Bonds. But though he may rarely make the mistake of investing in Overend and Gurney or Albert Insurance

Company Shares, he invariably stipulates for the security of scrip in his venture, to provide against accidents, or in case he should desire to realise. Now I will ask any right-minded John Bull to lay his hand on his heart, and avow it within the range of probability that any brother capitalist would sell out of the British funds, and hurry with the proceeds over the Channel to make a trustee of an Irish landlord, whose territorial pictures are invariably of the George Robins school, and whose promises for the most part are of the pie-crust pattern. Are Englishmen, as a class, so impulsive that they are magically enchanted into such absolute faith that, when once put into possession of the most modern of Edens, they commence incontinently gravelling the beautiful bogs with gold-dust, and spreading out on the dry land a copious manure of British sovereigns, without as much as a scratch of a pen to fortify them against the commonest of contingencies? Another very questionable proof of recent Irish prosperity is adduced in the remarkable increase of wages during the last twenty years. In fact, this proof is not only questionable, but manifestly erroneous; it is, in reality, nothing more than a simple case of demand and supply, not even rising to the dignity of the old schoolboy puzzle: "A herring and a half for three halfpence, how many should that give for sixpence?" In my younger days, at the market-crosses (as they were called) of every Irish town or village throughout the kingdom there were anxious crowds from the earliest

dawn waiting for the chance of employment at the magnificent day-wage of eightpence to tenpence, and as clamorous and importunate in tendering their services as if the pitiable remuneration conveyed an independence for life. Well, *tempora mutantur*, a few years wrought a marvellous change. First came the famine of 1847, closely attended by the pestilence, and followed by an unparalleled exodus, which in their combined effects made an immediate inroad of two millions on the population. The material and perceptible effect of those national calamities was a remarkable diminution in the numbers of those normal morning levées, together with an almost total surcease of those peripatetic crowds, those defamed drones, who, as the song goes,

“ Took their sticks, and buttered their brogues,
At the latter end of May, sir;”

and set out for England in search of employment, either in “making hay, sir, or reaping the harvest.” Cause and effect were speedily exemplified in this instance by a corresponding advance of rates in the labour market. Eightpence or tenpence a-day, and lumper diet, next thing to living on grass, were no longer heard of. A shilling soon became the average wage, and was only accepted when constant employment was well assured. “A good handy man” might even safely count upon threepence extra. This very considerable advance was not only sustained, but kept a steady upward tendency, increasing in exact propor-

tion as the emigration continued flowing on, which, by the official return now before me, amounted, in the fourteen years ending in 1867, to the enormous total of four million four hundred thousand souls; and yet accredited writers have either the simplicity or the face to attribute the increase of the labour-rate to the growing prosperity of the country. The patent fact is, that over-competition in the labour-market, as in any trade or commodity, begets cheapness, while scarcity as surely engenders high prices. Abundance, we all know, superinduces moderate rates, while famine is the great parent of usury; and this principle holds good in labour as well as in any article of consumption.

Before quitting this branch of the subject I am tempted to enlarge somewhat in remarking, that the first great movement in the emigration mania was about thirty years ago, when the Poor Law enactment was passed. Previously, the landlords encouraged and profited by subdivision and over-abounding population, as competition raised rents and reduced wages; but the new tax suddenly awoke them to the fiscal consequences a redundance of people was likely to entail on them. So they turned right round on the spur of the moment, inveighing against the evils of subletting; and within the five succeeding years 70,982 ejectments were brought, and over half a million persons were suddenly turned adrift, without a thought as to their future. And as many as possible were sent out of Ireland, with a view of keeping

down the rate. A few years before landlords, for political purposes, went breast-high for subdivision, in order to multiply forty-shilling freeholders, through whose electoral subserviency they managed to quarter a portion of their progeny on the public purse; but the tide turned, and as it was found on computation that the certain recurrence of the poor-rate overbalanced problematical political patronage, the people were ruthlessly sacrificed to expediency, though Sir R. Kane and other competent authorities at the time affirmed that if Ireland was reclaimed and cultivated she would sustain in comfort eighteen millions of people.

Before proceeding to deal with another transparent fallacy, I will turn aside for a moment to notice an observation contained in the emigration return from which I have just quoted. The remark is shortly, that while the tide of emigration from England and Scotland has set steadily towards the British colonies, not more than one in six from Ireland has made them their destination. This is a lamentable but statistical fact, and curiously suggestive as to the proper remedy. I have already feebly described the personal horrors and wholesale depredations the Irish experienced under olden English domination, and it does not amaze me that, when they have an opportunity, they should elect to cast their future lot amongst foreigners, rather than seek to perpetuate their commerce or intercourse with a people who openly boast of their ascendancy, and one of whose foremost men

in my own time contemptuously asserted, "they were aliens in blood, in language, and religion." Even apocryphal tradition is tough and long-lived, although conciliation may labour to erase unhappy reminiscences; but when evil remembrances are fostered by an unbroken chain of slights and persecutions, it is all but immortal. "A burnt child dreads the fire;" a poor dog who has been summarily ejected from the kitchen with a dash of scalding water entertains no great veneration for the cook; or a hunted hare which has been chased full cry by a pack of hounds is not likely, if it escapes, to take up its abode voluntarily in their kennel; and, by a parity of reasoning, the poor Irishman cannot be fairly taken to task if, in the free exercise of his own will, he transplants his penates, and erects a new roof-tree in a country and amongst a people who received his kinsfolk with kindness, and welcomed them with sympathetic hospitality.

I must also shortly notice here another egregious fallacy, which, as the lawyers say, "will not hold water for a moment:" it is, that the prosperity resulting from the existing agrarian system is clearly evidenced by the immense accumulation of the small farmers in the savings banks, amounting to twenty four millions sterling. To this plausible assertion my short and simple rejoinder is, that the natural and legitimate savings bank of a small farmer should be his holding. He has now abandoned his old stocking, and put out his scrapings to fructify in the savings

bank ; but if his little farm offered him as good security, he would have invested it there, getting a much larger return from his draining, subsoiling, and general improvement—taking, moreover, a just pride in the ameliorated aspect of his holding and in the augmented yield it, as it were, gratefully produced him. I should like to see a list of the number of leaseholders amongst the depositors of those twenty-four millions ; and if it could be had, I will make bold to assert that not more, if as many, as five per cent. of the aggregate are in possession of leases. The small farmers take away their little savings and invest them elsewhere, because sad experience has evermore taught them the melancholy lesson that, if they improved their farm, they either had to expect an increase of rent, or, more probable, eviction. Let me give an example, which I could, if necessary, multiply largely from my own personal experience ; and let me also name the poor victim, who, if still in the land of the living, could come forward and corroborate the truth of my statement. Michael Conry held a rough farm as tenant from year to year, which he was helped in cultivating by an industrious family, but was restrained from draining it thoroughly or improving it on a large scale, lest his landlord should observe it, and raise the rent. However, with all his caution, the lord of the soil remarked the alteration for the better, and gave the *usual hint*, but did not actually enforce it until one day he saw Michael attending a funeral on horseback, when he immediately put

his threat in force, with this encouraging commentary, "A fellow who pays his rent to the day, and can manage to ride to a funeral, can surely afford to pay a higher rent than he does;" and Michael was obliged to pay a higher rent or leave. But if he is still alive and farming his holding, I have not a shadow of a doubt that he is one of the savings bank depositors, not being either foolishly confiding enough to go on improving his farm, or riding to a funeral. If the twenty-four millions had been laid out (as no doubt they would have been) in draining, fencing, and otherwise improving the soil, instead of being locked up in a strong box, what a radical change would we not now have to note, instead of the slow, fitful, and halting progress detailed by roaming correspondents, who, after all, are constrained to write in accordance with their briefs.

Suppose the imperial legislature were to vote the Irish landlords a lump sum of twenty-four millions, and that they were fairly and reproductively expended on the soil, what a smiling, teeming country would we not have to parade and proudly boast of; and yet the landlords, without whiningly asking for a loan, or saddling their properties with an encumbrance, could easily induce this magnificent expenditure without resorting to a blistery mortgage, and free from the manifold deductions and pickings of parliamentary agents, counsel, engineers, *et hoc omne genus*, who invariably cut in the first instance into the vitals of every public grant.

The Irish have acquired the reputation of beggar-

men, because they crave a few hundred thousands to drain the Shannon, the Suir, or the Barrow, while untold millions would be voluntarily forthcoming for the broad scheme of general reclamation and improvement, if landlords would only give equitable leases in acknowledgment of the wide-world axiom enunciated by the "Times" Commissioner—that "security is the first condition of progress."

Before entirely leaving this offshoot of the subject, I have to remark that I entertain no manner of doubt that the immense deposit of twenty-four millions would have been treble that amount if the Encumbered Estates Act had not opened up a safe, cheap, and easy avenue of investiture for Irish hoardings, creating the first instalment of Mr. Vincent Scully's panacea, "A free trade in land;" and if the existing state of things had so ordered it that the bone and sinew of the country had not been banished to foreign lands, whence their wondrous remittances at once evidenced the productive value of their labour, and flatly contradicted the baseless assertions of inherent sloth and other pernicious tendencies.

I cannot resist here giving another instance of the inveterate reluctance of Irish tenants to improve their holdings, even at the cost of dragging a friend's name into print in order to secure authenticity. Mr. Joseph Cuffe inherited a small estate near the town of Kilbeggan; and as leases were not in vogue in that neighbourhood, he did not grant any, nor was he asked for them, being one of the few landlords in

whom the tenants had implicit faith. Mr. Cuffe being desirous of improving his property, proposed to one of his tenants, who had a large holding in its aboriginal state,—“I will be at the cost of cutting drains in this bottom land, and of breaking the rocks and large boulders on the upper part of the farm, if you carry them with your horse and cart, and toss them into the cuttings; and I will furthermore cover them in making French drains of them, giving you lime besides for the carriage to top-dress the sour part of the soil with.” But Pat remained silent, shaking his head dubiously, and eventually declined the liberal offer, remarking, “It would be the death of my poor horse to cart over such a track;” but, as Mr. Cuffe subsequently assured me, the real cause of Pat’s refusal was his apprehension that his rent would be raised; so he preferred foregoing the certain benefit of improved land to incurring the risk of exciting the cupidity of his landlord; and such is the feeling entertained by nine out of every ten of the tenants who hold their farms under a yearly tenure.

It was in our day that Parson Malthus enunciated his remedy for over-population, and during its discussion the mania for emigration set in, sweeping away in its efflux our tens of millions; now again the cycle of sparsity is beginning to come round; and I am firmly convinced that ere another generation revolves, the currents will have gradually subsided into a motionless lake. It is time, then, to begin setting our house in order, lest, being taken unawares,

the dangerous symptoms which Mr. Bianconi providentially hints at, may assume a shape beyond the skill of our most profound politicians.

The Third Report of the "Industrial Employment Association" shows that the present population of Ireland only cultivates about one-fourth of its broad surface, and that the rich upland grass portion, which supplies the home markets with a portion of its fresh meat, and furnishes fodder for its horses and other quadrupeds, is represented by about one-third of the remainder, leaving the residue, a vast expanse, in a state of nature, for the most part completely covered with water during the winter, and, when it recedes in summer, only affording a scant, bad pasture which rears, feeds, but does not fatten the stock that browses over it, furnishing those droves of store cattle which largely help the English grazier. The "Times" Commissioner gives a local description nearly applicable to the whole of this area when describing the district round Maryborough: "I have visited," he says, "the whole country for miles, and it is of a singular character. The whole district at one time was little more than a huge morass, flooded by the head waters of the Barrow, from which scanty breadths of upland arose in places crowned by low hills and eminences. The industry of succeeding generations has gradually diminished these watery spaces, and increased the area of agriculture; it has fenced in the whole tract, and rescued it from the barrenness of nature The valley of the Barrow

itself, as it now flows in a semicircular sweep from below Portarlinton to Athy, is even now in summer a water-soaked channel, and is flooded for many square miles in winter." This valley of the Barrow is a literal portraiture of the waste improvable land set forth by the Industrial Employment Association, all highly susceptible of reclamation, and of being easily transformed from grouse bog and snipe bottom into fine fattening land and wheat-producing territory, of which the broad estates of Mr. C. O'Brien in the county of Clare afford irrefutable evidence. The rivers and innumerable streamlets form arteries which for the most part intersect this lamentable breadth of waste, running at most inviting levels that only require their falls and rapids to be smoothed over to constitute the most natural channels of drainage into the sea, while the sandhills which abound in every district would furnish the most suitable top dressing, and the omnipresence of limestone would yield an inexhaustible supply of that admirably corrective manure which would soon convert the sourest pasture into the most fertile upland; but, alas! while capitalists subscribe to drain and deepen the Cam in order to encourage the fashionable pastime of rowing, they not only decline, but inveigh against contributing a shilling for draining our Irish rivers, though the result would be a superabundance of live stock and of bread stuffs.

I happen to have at this moment before me a late return of "The Chamber of Agriculture Journal,"

which shows that the total of live stock of all kinds imported into the United Kingdom during the last year was 511,564, showing by a comparison of statistics with those of former years, that the trade has not nearly recovered from the depression of 1867, and that the total quantity of animals imported does not yet reach half that brought in 1866 in consequence of the well-founded apprehension as to the spread of the cattle plague. Well, taking for granted now that the disease has disappeared, and that the importation will again rise to the level of 1866, we shall have to record 1,023,128 of live stock which, without going into tedious details, I can safely set down at the money value of £7,000,000 sterling sent yearly out of the country, which could be easily and reproductively diverted to Ireland if the just and equitable doctrine "that property has its duties as well as its rights" were only duly recognised and enforced.

From cattle I come to corn, bearing in mind that Mr. Gladstone, in one of his great budget speeches, described the effects of a bad harvest as a national calamity, estimating the drain at twenty-two millions sterling, and stating, at the same time, that Great Britain on the average only yielded two-thirds of the bread stuffs she regularly consumed, whereby the other one-third had to be supplied from foreign sources. In Mr. Lawe's returns, quoted from Mr. Samuelson of the "Times," amongst other valuable statistics he gives the breadth of land under wheat

in 1868, 3,750,000 acres; and Mr. Samuelson himself estimates that the crop was about thirty-six bushels to the acre, which is seven or eight bushels more than the average; yet nine million quarters were imported to supply the deficiency of that very extraordinary crop. The average price of wheat during the years 1868 and 1869 was a trifle under 50s. per quarter, from which we may safely infer that nearly twenty-four millions were expended in a period of unusual abundance, to which enormous aggregate I take leave to add the average value of oats, rye, Indian corn, peas, and beans, which I find annually exceeds three and a half millions, about the sum in excess of five millions expended on the Abyssinian war, regarding which so much virtuous indignation was expressed in the House of Commons and by the press; this, together with the proximate value of cattle, sheep, pigs, and cured provisions yearly imported gives the most astounding total of 34,500,000*l.* sterling. Now if 22,000,000*l.* entail a national calamity, by what name shall I attempt to designate the chronic yearly hemorrhage of, say, 34,000,000*l.*? Drawing it exceedingly mild, I think I may fairly dub it a very distressing and embarrassing outlay, and one that should be abated, and, if possible, stopped with all celerity, the more especially as the remedy is so obvious, and within such easy means of accomplishment; for after deducting (as the Registrar General shows) 5,500,000 acres under crop or cultivation and all the irreclaimable

land under bogs, lakes, and mountains, there remain 13,724,000 acres to be accounted for: well, subtracting from those, say 3,000,000 acres, about which Mr. Samuelson estimates would be the breadth required to supply the yearly wheat deficiency, we have still over 10,000,000 acres remaining to rear, feed, and fatten the 1,023,128 of live stock annually imported into the British isles.

Having been myself a practical agriculturist, I may be permitted very briefly to say that I have seen most abundant yields of wheat from reclaimed land, but the reclamation must be perfect, as subsoil moisture damages the seed, imparting rust, &c. &c. to the crop; but assuming that the reclamation was good and general, not only would the fine alluvial land be rescued from immersion, but the climate itself would be completely altered and improved, thus bringing two elements to bear on the growth and maturation of wheat; and as early preparation of the land for wheat sowing is indispensable, the dryness overhead and underneath would facilitate the operation; thus wheat, instead of being considered a hazardous venture for the husbandman, would be the favourite cereal, supplanting largely, by reason of its greater value, the invariable and comparatively valueless crops of oats and barley. To the uninitiated an amelioration of climate being contingent upon the reclamation of land may seem rather ludicrous at the first blush; but it is nevertheless invariable, and experience bears me out, both

as to the superabundance of moisture and excessive drought in Canada and Australia. In the latter country I myself can bear witness to the wonderful effects produced by mining and cultivation within seven years in the colony of Victoria. Before its latter settlement the rains in the wet season ran off the primeval sod as from the roof of a house, leaving the whole face of the country parched and burnt up; but since mining led to the formation of millions of deep shafts which treasured up the water to be acted on by evaporation in the hot season, and since cultivation has broken up the soil, causing the moisture to percolate through it, most desirable climacteric changes have resulted; and rivers which theretofore invariably ran dry during the hot months, now flow copiously throughout the year. In Canada, too, old settlers told me that marvellous alterations had been gradually wrought by the clearing and draining of forests, abating fogs and dampness, and bringing about the advent of clear maturing enjoyable weather. But why travel to extremities, either eastward or westward, when within the limits of the British isles we can adduce the pertinent example of the Lothians to show what draining, subsoiling, and good husbandry can effectuate in a much colder soil, under a much more ungenial original climate, fully one degree lower than the most northern part of Ireland? I will not for a moment enter into a learned disquisition on those phenomena, but adopting the old common-sense rule, "Remove the treacle

and the flies disappear," I fancy I arrive at the solution. Get rid of the superabundant water that settles on the surface of Ireland, and we shall have a much less frequent recurrence of those heavy incessant rains for which the country has become proverbial, and to which Macaulay so justly attributes the loss of half of Schomberg's army during his autumn campaign. The great change which has taken place hence has been silently wrought by the industrial reclamations of succeeding generations, and not by any revolving cycle of seasons, or any occult alterations in the latitude or longitude of the island.

It now, to my thinking, only remains to notice the lamentable grievance of absenteeism, to enable the impartial Englishman to comprehend the many lets and hindrances which have stood in the way of Irish progress.

While absenteeism is a crying evil, I am far from thinking that a prompt and stringent remedy should be applied to its cure, that compulsory enactments after the Elizabethan precedent should be passed, compelling proprietors to quit London and live on their country estates, or that a poll-tax should be imposed on all absentee landlords; for the proper medicine is even now working its way, and will continue to operate slowly until in the end it effects a radical cure, rehabilitating the country, and investing it with those modern attractions which lure selfish man to forsake his natural instincts and return to enjoy them

where his real interest is centred. In the school of political economists we are gravely taught to regard absenteeism as an indispensable creation which, although apparently onerous, is by no means fraught with the elements of calamity; but neither the poor Celt nor his humble advocate desires to grapple with the abstruse arguments of profound thinkers or subtle logicians, who, like one of the learned professors of the Mudfog Association, undertook to prove, beyond all power of refutation, that this end is the other end of the table. If a shoe pinches, it by no means alleviates the affliction to be assured that though the pain is intense, it is likewise inevitable; and if Ireland bewails the hard lines of enforced poverty, rigidly bereft as she is of all the ordinary recognised sources of prosperity, it is poor comfort to be told not to mind the apparent delusion of the absentee drain, but take comfort by looking at merry England, next door, which is revelling in all sorts of luxury, and blowing loudly on the cornucopia; like telling a starving man in the street to feast in imagination, while on the other side of the window-pane he can see but durst not touch a crumb of the jolly baker's abundance. If they would only even charitably promise—"Live horse, and you will get grass," there would be some solace in the remote assurance; but to be coldly informed that absenteeism is only an ideal hardship, which must be borne to the end of time without any alleviation, utterly annihilates the axiom that "while there is life there is hope,"

and that it is "better to live in expectation than die in despair."

The "Times" Commissioner in his ninth letter, while commending the management of some absentee estates that he has passed over, honestly says, "Yet it is not to be supposed that I do not perceive the evils of absenteeism to their full extent;" and such should be the verdict of the most black-letter political economist who with his own eyes saw the dire contrasts between the estate administered under the personal superintendence of a resident proprietor, and that dragooned by an unfeeling agent, under the salaried and delegated authority of an absentee landlord, who does not regard his tenants as human beings, but as mere producing-machines who are bound, *per fas aut nefas*, to turn out a given amount annually. Johnson's Happy Valley and Bunyan's Slough of Despond are literal types of those different properties—one radiant with comfort and contentment, the other morose from poverty and despair. Yet they are to be seen in almost every barony in juxtaposition; the fertility of the soil on a par; the climate of course similar; and all the original natural endowments equally bountiful. Yet there are sunshine and darkness to be seen side by side, only differing from a marked solar eclipse in that the one is a dispensation of Providence, the other the evil machination of man.

The circulating medium founded in analogy is a favourite phrase of those financial gentlemen who

direct the commercial energies of this kingdom; who curb and enlarge them as exigency requires, diffusing it with acute economy over the body politic; and woe-betide the region which is denied the life-inspiring current. It resembles the limb cut off by the tourniquet from participating in the great arterial banquet; and I cannot help assimilating poor Ireland to the member, and absenteeism to the intercepting ligature; but I earnestly trust that the great imperial consultation about to be held, while deliberating over its other symptoms will unscrew the tourniquet, and allow all remedies to come into general operation. I myself, from long personal observation, can vouch that after rent days in country districts all errant circulating mediums vanish either into the pockets of the few resident landlords, or the more capacious portmonnaies of the agents of absentees. As I have said in a former letter, "All coin of the realm is then represented by eggs, and internal commerce reduced to the pristine system of barter which in modern schools we are taught to regard as the aboriginal symbol of barbarism. I well remember hearing a light-hearted Irish peasant say, after the departure of the absentee agent, 'Be jabers, you might as well look for a strawberry on the high road as for one penny-piece in my poor parish.'"

Theoretical and practical absenteeism would seem to be two wholly different things. Theorists say, in unmistakable words, "It matters not in what district of a country its income is spent;" yet practical

London shopkeepers rave about the constant absence of the Queen, and Dublin tradesmen bewail the temporary visit of the Lord Lieutenant to England, as if the *ad interim* surcease of his expenditure was an era of depression and ruin. Even the Irish landlords themselves brandished the two-edged weapon of absenteeism in their gallant defence of the Irish Church, solemnly declaring, "If you disestablish the Church you will extirpate the parsons, and thus sow broadcast the pernicious seeds of absenteeism." But I will say no more on this vexed subject. I will leave the issue between words and facts, merely surmising that in this practical age visions have no chance against realities. Potatoes and point used to be the usual diet of the poor Irish peasant, but now-a-days they aspire to something more substantial. The jingling of the coin will no longer suffice; they now demand the more profitable handling of the ready money.

PART III.

Ventilates the pernicious effects of the present system, and gives authentic instances of the heartless rapacity of certain landlords.—It proves also the innate spirit of industry which pervades the Irish race, notwithstanding its systematic repression, as well as their *comparative* moral and law-abiding dispositions.—It suggests that all the schemes of compensation, or other complicated plans of settlement, are wholly impracticable.—A short simple cure for existing agrarian evils propounded and explained.

I now approach the last part of my task, namely, the question as to how a happy and final settlement of the land system should be arrived at, without inflicting improper injury on the present landlords or pandering to the inflated dreams of the over-sanguine occupiers, whom I shall abstain from ranking as tenants until they can exhibit good legal titles to their several holdings. But in striking a fair balance, I regard it as indispensable that the subject should be considered in all its bearings—past, present, and to come. Impressed with those convictions I have endeavoured, first, to show by reliable historical authorities how and by what means Ireland was cruelly reduced from the state of peace and plenty

described by the Dean of Fermo, into a well-nigh depopulated land, in which Colonel Lawrence, a Puritan historian,* tells us a few scattered natives were enforcedly reduced to the horrible resources of cannibalism, and Macaulay so charitably affirms would have been completely denuded of all its aboriginal population if the method which he so lusciously describes had been persevered in some fifty years longer. Secondly, I desire to show that the bequest left to succeeding ages and generations was like the poor man rescued from drowning, and handed over to the Humane Society when life was all but extinct. M. Leonce de Lavergne, the eminent French authority, ascribes the backward state of agriculture in his country to the disastrous and wasting effects entailed on property by the ravages of the Napoleonic wars, which were almost altogether waged in foreign countries, and only lasted about twenty-one years; and surely if a war of such comparatively short duration can inflict such wide-spread misery, a ruthless invasion lasting fully three centuries, during which all sorts of atrocious barbarities were hourly practised, should have reduced Ireland to a state of permanent syncope. In the third and concluding division of my subject, discarding all sentimental or factious aspirations, I sincerely suggest purely remedial measures, which I trust may be prescribed rather by a proud ambition to ameliorate the condition of the entire commonwealth than to perpetuate the despotic gran-

* Part ii. p. 867.

deur of a few isolated individuals whose worldly possessions would be largely benefited by the proposed change; and in this important inquest I cannot conceive any maxim more truly calculated to convey a lesson of wisdom and justice than a sentence written by the "Times" Commissioner which I have already quoted, viz., "That security is the first condition of progress," to which I will superadd the testimony of Mr. Gerald Fitzgibbon, Master in the Irish Court of Chancery, who, as he says, is *ex officio* administrator of four hundred estates, and by no means an unprejudiced witness. In his last pamphlet on the Irish land question, after doing fierce battle in his own *nisi prius* cut-and-thrust fashion in favour of the existing state of the law, he is fain obliged to admit* "That applications are constantly made to me on behalf of tenants, sometimes of the poorest class, to allow the receiver to supply slates and timber for roofing a new house, or barn, or cow-house, upon an undertaking of the tenant to build the walls and complete the structure at his own expense, amounting to three or four times the cost of the timber and slates;" adding, "I mention this not for a vain boast, but as a proof that tenants, even on the *precarious tenure given by the Court, are willing to spend money in the improvement of their houses and land if moderately assisted and properly encouraged.*"

Timid, cautious doctrinaires, in effect say, "Leave well enough alone." Even the "Saturday Review"

* Pages 78 and 79.

thinks that a country which has *prospered* as Ireland has done within the last thirty years, should be only maintained in her present rate of progression rather than hurried into a more rapid career. But why, let me ask, should Ireland be made the exception to the general rule? If it can be clearly demonstrated that her ascertained material improvement grew up directly in the teeth of discouragement and repression, and that a totally different course of treatment would immensely augment her boasted amelioration, by what known rule of ethics, physics, or politics should the remedy be discarded? In plain English, if it is universally admitted that Ireland has progressed in prosperity since the days of Arthur Young on the precarious tenure of tenant-at-will, it is obviously no sufficient reason that her people should be forbid improving their good fortune by now seeking the security of a lease. It is a melancholy look-out when slowly trudging along, to see all your neighbours whisking past you in an express train. Yet such is the parallel condition of unhappy Ireland. She has been doomed for centuries to limp and crawl along, while the other denizens of the world have been helped and stimulated into energetic exertions.

I do not desire or intend to asperse the landlords of the present day by reproaching them with the backward condition of their country; but it is impossible to forbear taxing them with culpable indifference, to make no graver accusation. Like the Americans, who, becoming possessed of their inde-

pendence with the black stain of slavery on their escutcheons, they seek to justify their disgrace by maintaining the practices of their progenitors ; but though it cost the frightful sacrifices of a civil war to abolish the foul traffic in human beings, I trust my countrymen will succeed in achieving "the first condition of progress" with only the expenditure of words, arguments, and facts. The lords of the soil imagined themselves doomed to ruin by the repeal of the Corn Laws, yet most of them lived to experience the fallacy of their apprehensions ; and I think I can safely predict that, without attaining the age of Methuselahs, the Irish landlords will live to commemorate the day on which it was enacted that equitable leases should become the invariable rule of land tenure in Ireland.

The celebrated Lord Clare, as we have seen, has graphically depicted the predecessors of the great majority of our present land potentates from whom naturally sprang the senators of the day, whose legislative instincts seemed confined to their territorial domains, and whose jealous fears hurried them into the passing of laws which would still have remained to disgrace our statute books if the Union had not been repealed. Those laws were so numerous and ill-digested, that, together with the registry of deeds instituted in 1707, they operated most ruinously in complicating titles, tending to engender and monstrously aggravate those embarrassments which hung like millstones round the neck of most

landed proprietors, eventually driving them from their increasing ponderosity into that modern but timely institution the Encumbered Estates Court, by creating those unnecessary costs and delays of searches—costs so vast and unappreciable, that small properties would scarcely realise sufficient to defray the more legal expenses of the sale, while even large ones suffered so sadly from the depletion consequent upon the vigilance exercised by conscientious solicitors in hunting up undoubted security for timid mortgagees, that exhaustion was soon followed by dissolution. So that, in seeking to render their own tenures impregnable by multiplying the fences of security, they unconsciously imitated in many of its features the old fable of the pet monkey, who, in greedily grasping at the honours and rewards of a civic crown, brought down, instead, an utter extinguisher on his own head.

In order to relieve this deplorable state of things, so foreign to British experience (for it only exists in Yorkshire and Middlesex, and even in those shires had been suffered to lapse into desuetude from its iniquity), a "Registration Commission" was appointed in our own days to take evidence on the subject; before which tribunal Mr. Pierce Mahony, M.P., stated, "That common searches in 1832 against the Earl of Portarlington cost 1037*l.*, while a negative search, without exception, could not be carried out under 5000*l.*" Amongst a host of other witnesses examined, Mr. T. H. Christie, the eminent English

conveyancer, stated that " With regard to titles in Ireland the expenses and delays are quite frightful. From a set of instructions for searches which I cannot say were improper, I cut out two-thirds, *risking* it rather than incur the enormous expense ; and when the instructions were so pursued I was told the expenses would still cost over 700*l*. I was informed at the same time that searches had been made in respect of this same property in 1837, and cost 1300*l*., but which (for what reason I could not well understand) are deemed useless for the present occasion : altogether the task of searching is truly awful."

To avoid anything like prolixity I will only instance a very few of those unparalleled enactments which got the royal assent in those times, laws so ludicrously inconsistent with the self-interest of the legislators, that I cannot help thinking of the old Latin axiom of "*Quod Deus vult perdere prius dementat.*" For a considerable period the granting of any leases whatsoever to the native Irish was illegal, then after a long lapse, during which it became only too apparent that industry condemned to lie fallow was altogether unproductive, a relaxation was introduced both prudent and profitable, and native Irish could legally obtain a lease of not more than half an acre of upland, on which to erect a habitation, always provided that said half-acre was situated at a distance of three miles from the nearest market-town ; and together with this half-acre they were entitled to have and to hold not more than fifty or less than ten acres

of adjacent bog ; and it was specially enacted that if the said bog was not well and fully reclaimed (leaving of course the decision to the landlord) within the period of ten years, that then the lease should cease and determine. In those days there were Christian noblemen and squires in the land who promulgated the doctrine that " a man could do what he liked with his own," who feeling that considerable benefits accrued to them even by this grudging tenure, decided on their granting of their own accord still further relaxations, but calling in at the same time the ægis of the law to protect them in the benevolent exercise of their free will. Thus it became customary for landlords to permit native Irish peasants to enter into occupation of cultivable land as tenants-at-will, that is, subject to the whim or caprice of the proprietor, to whom the law reserved the right and power to evict the occupier whenever he thought fit, and re-enter on possession of the farm at any season, seizing and appropriating to himself whatever crops there might be standing or growing thereon ; which law remained in force until after 1800, when British cognisance was brought to bear upon its infamy. Those flagitious laws in a great measure originated our lamentable agrarian disturbances, and hastened the incubation of secret societies ; for, seeing and feeling themselves wholly unpitied and unprotected, the people instinctively established that great primeval edict which proclaims " that self-preservation is the first law of nature," and in the vengeful organization

for carrying it into effect they called into existence those fierce legions of Terry Alts, Captain Rocks, Whiteboys, Molly Maguires, and Ribbonmen, who invested themselves with the administration of the wild justice of revenge in retaliation for the heartless cruelties inflicted on them under the sanction of the laws of the British Empire. Saxons, too, are given to the formation of secret societies, though at present principally of the innocuous description, such as Freemasons, Friendly Brothers, Odd Fellows, Foresters, *et hoc genus omne*; but only give them such wrongs and cruelties as the Celts had to complain of and brood over, and, my life on it, there would be abundance of co-operative conspiracies organized after the pattern moulded by Mr. Broadhead of Sheffield notoriety. Even the lowly "worm will turn if you tread on it," and surely there must be some limit set to the endurance which human flesh and blood will put up with. The "Times" Commissioner, in more than one of his admirable letters, bears witness to the forward state of husbandry in West Meath and Tipperary, the two most disturbed counties in Ireland; and the absolute cause is that, denied leases, the tenants established terrorism, and were sanguine and reckless enough to improve their land under this lawless system of tenure, for landlords hesitated to eject, impressed as they were with the ever-present dread of assassination. Macaulay himself, stirred up by the same spirit which incited the Anglo-Saxon to demand the Magna Charta at

the sword's point, and crush under his heel the oligarchical tyrannies of feudalism, has avowed that there is a limit which cannot be transgressed, where despotism justifies revolution. But without going those extreme lengths, I would most sincerely urge that very questionable boundaries have been already reached, and that it behoves all humane, religious, order-loving men to see and stop all further advances towards anarchy and rebellion, when such "dispassionate, respected, and intelligent gentlemen" as Mr. Bianconi declare solemnly and significantly to the "Times" Commissioner that "It is now very late. The landlords, from a variety of reasons, have chosen to keep their tenants in subjection; wild and foolish ideas have got abroad; and *I fear lest the tenants may before long become too demoralised and excited to be satisfied with the concession of leases.*"* Delays are pro-

* Mr. Bianconi gave me a remarkable instance of what he had found to have been the effect of merely substituting a durable for a precarious tenure, of enlarging tenancies-at-will into leaseholds. In 1855 he purchased two lots of the Portarlington estate. The rental of the lands was 305*l.*; they were held "by tenants-at-will, who formed a lazy and beggarly population," and the rents were in ordinary seasons in arrear. Mr. Bianconi increased the rental to 473*l.*; but he gave the occupiers leases for thirty-one years, and the result has been that, without the expenditure of a shilling upon the part of the landlord, except in the repair of farmsteads, the higher rent has always been paid, "and the tenantry are now a contented yeomanry." This seems astonishing, but, after all, only illustrates the truth that security is the first condition of social progress; that, as Arthur Young remarked ninety-three years ago, "the having leases creates industry in Ireland; and that, give him a fair field and a certain till, the Irish tenant can accomplish wonders." Mr. Bianconi thinks that the land question would have never arisen had the Irish landlords improved their estates wholly at their

verbially dangerous. Besiegers always increase in the extravagance of their terms as capitulation is procrastinated; but I devoutly trust that in this instance a spirit of equity and moderate concession on the one side will be met more than half-way on the other by a reciprocity of gratitude and contentment.

I must now take a long stride downwards to the modern times, when Thomas Drummond, the Irish Under-Secretary, proclaimed the famous dogma that "property has its duties as well as its rights," a doctrine which I well remember spread dismay and consternation among the orthodox descendants of the authors of the maxim that "every man had a right to do what he liked with his own," which bequeathed to us the inheritance of the Crowbar Brigade* and the Rathcormac massacre. Even in my own days, when Mayor Mahon was shot in midday in the

own cost, and been liberal in giving leases; they would thus have excluded the ill-defined claims now set up on behalf of the tenant in respect of his additions to the soil, and verging upon an assertion of a proprietary right, and they would have made the peasantry comparatively independent.

* The Crowbar Brigade was composed of reckless hangers-on about the sub-sheriff's office, who, when one of those officials went out to execute a *Hubere*, accompanied the expedition, and if the landlord, after having got legal possession, desired the cabins and outhouses to be levelled and demolished, and was willing to pay liberally for the work, razed every building with an extraordinary despatch, only acquired by long and frequent practice, so that the unfortunate people ejected should not have even a corner to burrow in. The police fully armed formed a cordon to prevent the work from being interfered with. Such harrowing scenes were of daily occurrence, and frequently happen still. *Bien entendu*, the police did not go unrewarded, neither did the sub-sheriff, for bringing them as the *posse comitatus*.

county Roscommon, I remember driving two English officers then quartered in Sligo, but new arrivals in Ireland, to the horse-auction of the murdered gentleman; and as we passed through the black and still smoking district which had been recently laid waste by his orders, and conversing with the destitute and shivering groups huddled together on a cold winter's day, one of my military companions exclaimed, with horror and wonder, "This is truly awful—beyond all belief. No Englishman could conceive such a frightful spectacle. It is indeed a real type of a country laid waste by the advance of a conquering army." On the spot I remember making a memorandum, which showed that seven deaths had already resulted from this wholesale eviction, made up of old people, newborn infants, and one young mother just after suffering from the pangs of childbirth. But while the whole British press held up Mayor Mahon as another victim to the fell spirit of Celtic atrocity, all words of pity or commiseration were withheld or unfelt for the innocent people who were hurried to their cold graves on this sad occasion.

Passing over the antecedent catalogue of similar occurrences and agrarian outrages detailed in the Devon Commission, I will, for space sake, descend rather abruptly to the sadly instructive annals of the present day, commencing with an implied challenge of Lord Bandon's in his speech at a late meeting of the Ballineen Farmers' Club, in which he is reported to have said, "It was constantly asserted that the

tenant was not secure, and that his landlord would not give the value of the improvements on his property; but could any authentic case be proved where the landlord had so acted?" Now, though writing in a foreign land, in which I have constantly resided for several years, I am not only personally cognisant of legions of cases such as his lordship pretends to doubt, but, to get rid of all manner of scepticism, I will shortly state a few instances that have lately been reported in the leading public journals of England, Ireland, and Scotland, which either leaves me to suppose that Lord Bandon is sadly benighted, both as a resident landlord and gleaner of news, or that he is deliberately guilty of *suggestio falsi*—a constitutional infirmity sadly incompatible with the supposed attributes of a representative peer; one, too, who will be expected to speak, bear witness, and vote on the vexed question of Irish land legislation.*

* Living, as I have said, in a foreign country, I will venture on prophesying that not one of these representative peers will be found sustaining the ministry in its endeavours to ameliorate the relations of landlord and tenant in the coming session, or, in other words, caring a jot for the peace or progress of the country; then why, let me ask, should this class be permitted to perpetuate the mischief they perpetrate, by electing one another, to the utter exclusion of such celebrities as Lords Gough and Hotham, whose services were justly recognised and rewarded by queen, lords and commons, by cities and universities? Besides numerous nobles of this stamp, there are at least one hundred other barons eminently qualified to discharge this high trust, but wanting in the open sesame to the ranks of the representative peerage. But in the Life Creation Bill, which must soon come to pass, I trust Her Majesty will enlarge her prerogative, by conferring those patents of nobility of her own gracious will, instead of suffering the high honour to be contaminated by the odious mockery of an election.

First and foremost I will mention Mr. Scully, who, so far from granting just or equitable leases on the Ballycohey estate, under which good tenants might be reasonably expected to expend their industry and their little capital, required them to execute leases whereby they should bind themselves, amongst other things never before asked of agricultural tenants, to surrender their holdings on receiving a twenty-one days' notice to quit, so that any crops standing at the expiration of the warning would belong to the landlord. The authorities granted Mr. Scully a body of police as a body-guard while he endeavoured to enforce those nefarious contracts on Tipperary men, the descendants of Oliver Cromwell's soldiers. The result is well known. Mr. Scully was dangerously wounded, and two policemen shot dead. I cannot pretend to divine the motives that actuated Mr. Scully in violently insisting on such arbitrary and unusual rights; but, as I have already said, the issue has become a matter of notoriety, as well as the finding of the coroner's jury, which in effect declared that Mr. Scully's conduct in a measure justified the agrarian rebellion. If a foreign correspondent of a leading London journal related that a New Zealand settler had attempted so to coerce the Maories, the incredulous reader would naturally exclaim, "No wonder that the colony should be convulsed and lawless, when such conduct is tolerated by the Colonial Office;" and yet the self-same readers—the same British public—utter no syllable of commiseration for

their next-door neighbours, who gallantly stood by their side and fought and bled and helped to achieve the glorious victories of the Peninsula and the Crimea.

Side by side with the Scully affair I will give a few extracts from the form of agreement for a yearly tenancy used on Earl Leitrim's estate, as published by the Londonderry Journal:—

“As tenant from year to year, determinable by six months' notice to quit, ending on any or either of the gale days hereinafter mentioned.

“Reserving to the said Earl of Leitrim, his heirs and assigns, all timber and other trees, and underwood, moors, bogs, marshes, sea-weed.

“And the said doth hereby agree to pay for the same the yearly rent of , payable half-yearly in equal sums, on the day of and the day of in every year, over and above all taxes, poor's rate, and other charges imposed, or to be imposed thereon. And also to pay such increased rent as is hereinafter provided, the first half-year's rent to be due and payable on the day of , and the last half-year's rent to be paid and payable in advance, and the same to be recoverable in the same manner as rent and arrears are recoverable in other cases between landlord and tenant.

“And it is also agreed that the said shall not, without permission in writing from the said Earl of Leitrim, or his heirs or assigns, make any new roads, fences or drains on the said lands, or build or alter any house or building thereon, or sell or carry off the said land any hay, straw, manure, turnips, or mangold-wurtzel, and that he shall not assign, sublet, let in con-acre, or for a crop, or subdivide for grazing, or part with the possession of the said land, or any part thereof; and shall dig up or cut down all thistles, docks,

and other weeds before they go to seed; or at any time when desired to do so by the said Earl of Leitrim, his heirs or assigns, or his or their agent, or other person duly authorized for the time being.

“ And that the said will not at any time take out, or suffer to be taken out, upon the said premises any dog or dogs, or destroy or injure, or suffer to be destroyed or injured, any game, or the eggs or young of any game, hares, or rabbits, or wild fowl, upon the said premises, but will preserve and protect the same.

“ And it is also agreed that the said *shall not cut for fuel* any part or portion of the soil or surface of said lands, or *any bog*.

“ And it is further agreed that, *on breach or non-performance of any of the aforesaid agreements and provisions* entered into on the part of the said , he, the said , shall pay to the said Earl of Leitrim, his heirs or assigns, *the further yearly rent of* pounds, shillings, and pence, the same to be recovered and recoverable in like manner as the rent hereby reserved, and *to be deemed as liquidated damages* between the parties, and not in the nature of a penalty. The said Earl of Leitrim to have the usual powers *of distress and re-entry* as between landlord and tenant in case of non-payment of rent.

“ And if the said shall commit any act of bankruptcy, insolvency, or be imprisoned by any civil or criminal process for a term exceeding fourteen days, then this tenancy shall cease, and the said Earl of Leitrim, or his heirs, shall have power to enter into and upon, and repossess the said lands in the same manner as if the tenancy had expired by a notice to quit, duly served, and possession duly demanded thereunder.”

The law, which cannot be accused of partiality to the tenant, provides that a yearly occupier shall quit at the period when his tenancy commenced, which is usually when there are no crops in the ground, and

that the landlord shall pay part of the taxes—poor rate, for instance; but Earl Leitrim stipulates that his tenants must pay *all taxes* and be liable to be dispossessed when his land is covered with crops. He may not cut turf for fuel, or gather sea-weed for manure, though the next tide may wash it away; and annuls the tenancy if the tenant for any misdemeanour is committed to prison for over fourteen days: he may get fourteen days with impunity, but if one more is inflicted poor Pat is liable to be ousted, and the crops are the property of Earl Leitrim. It would be interesting to know on what principle his lordship drew the line. But the most monstrous inhibition by far is that which prohibits the tenant from all kinds of improvements, draining, fencing, &c., &c., &c.; it is a positive estoppel to industry in every shape, and directly opposed to the broad principle of progress and public policy. No wonder that Ireland should be doubly distanced in the race of improvement when an hereditary legislator in the year of our Lord 1869 puts his poor tenants under such inhuman conditions.

Earl Rosslyn said lately, when alluding to Irish occurrences of this character, "They had holdings of lands without leases; and if a tenant spent any money upon his farm he might be turned off, especially by a capricious landlord, without getting compensation. Nothing could be more unjust or unfair. If it had been carried out in this country we should have had a rebellion long ago."

Let me give Lord Bandon another instance of the lugubrious complexion to which he seems to close his eyes, in a condensed account of the Knox and Dias affair, as revealed at the late trial: A Mr. Dias bought an estate which was leased to a Mr. Knox, who had sub-let it to thirteen respectable tenants. This Mr. Knox, having served notices to quit on those tenants, *assuring* them at the time that the proceeding was a mere formality and that he would not disturb them, agreed to sell his interest to Mr. Dias and to summarily dispossess those very tenants. In June, 1864, ejectments were brought, but the tenants *being assured* that these steps were also formal took no defence, and allowed judgment to go by default. Mr. Dias then completed his purchase without further delay, and, according to the scheme preconceived with Mr. Knox, proceeded to evict the tenants on the judgments obtained against them by arrant fraud, though the agent of the property endeavoured to dissuade him, "*declaring,*" as proved on the trial, "*that if he turned out those poor people it would be an unparalleled outrage.*" Mr. Knox's dupes had been excellent tenants; and some of them, trusting in his false promises, had not only cultivated the lands, but spent considerable sums in improving them. Mr. Clarke (one of the duped tenants) brought an action against this Mr. Knox, for the false pretences which had been made to him, and the jury awarded him substantial damages. The lands were in Meath, but the verdict was given by an impartial jury in the

King's County. The sub-tenant would have had no remedy had he not been deceived by false pretences; the law would have confiscated his improvements and his growing crops from the date of the expiration of the notice to quit; so that those poor Irish husbandmen not only were denied the security of a lease, but had their good faith in reliable landlord promises subjected to the disgraceful ordeal of a premeditated swindle, which, however, was happily frustrated to a certain extent.

I have yet another case to cite for the unimpressible Lord Bandon, who cannot well question its authenticity, seeing that it was communicated to the "Times" Commissioner by Mr. Trench, the agent of the property. The late Lord Digby being tenant for life, with power to lease, granted many leases in excess of his power, which of course were not *strictly* binding on his successor, who succeeded his *cousin* in 1856, and immediately taking advantage of the flaw, set aside 120 leases, though the tenants, relying on their fancied security, had enormously increased the value of the property. Some few of them were allowed to retain their holdings, but at nearly doubled rents; but the great majority were summarily evicted, and wretchedly indemnified by the executors of the late Lord Digby; however, the miserable compensation was far from equivalent to their heavy losses. There can be no doubt that the late Lord Digby exceeded his powers unwittingly; but the attorney to the estate cannot be excused so rea-

dily, for he must have known that it was in settlement. Here, then, we have a well "authenticated" proof of how infamously Irish tenants are treated, after having bettered their own social position, marvellously improved their holdings, and doubled the intrinsic value of the estate, under the imaginary security of a lease. Yet dogmatic authorities affirm, in their *ex cathedrâ* style, that leases would assuredly lead to the debasement and demoralization of the people, the neglect and deterioration of their farms, and the consequent depreciation in the value of the property. But I have produced my contravening witness, Mr. Trench, who informed the "Times" Commissioner that 30,600*l.* was paid to the evicted tenants as compensation; while that inquiring and observant writer says, "From all I have heard, the sum given in compensation was not nearly an equivalent to the losses of the lessees. This case illustrates, I think, forcibly the mischievous insecurity of tenure, not merely as a matter of theory, but practically under the law of Ireland;" adding, "After a possession of more than half a century, and the expenditure of a vast sum of money on the faith of the validity of their rights, the representatives of these men were suddenly threatened with eviction *en masse*, and with seeing the accumulations of their industry for years appropriated by the lord of the soil, and that most probably without any legal redress." I think, then, I am amply justified in assuming that the continuous outlay of the tenants and their

predecessors in labour and money, during a space of fifty years, would much more than amount to the fee simple of the entire estate, seeing that a few of them received a sum of 30,600*l.* as compensation for improvements, which an impartial witness pronounces "was not nearly an equivalent."

Those cases I opine will give a flat contradiction to the Representative Peer's baseless insinuation, as well as to the unfounded assertion that the innate nature of the Celt is to "live from hand to mouth," that he is totally devoid of the ordinary ambition of progress, and that if he got a lease he would content himself with producing the mere necessities of life, and leave the farm otherwise undrained, unfenced, and wholly unimproved.

Although I could quote parallel cases by the score to the same effect, I will confine myself to a judgment of the late Irish Master of the Rolls, which I extract from one of the letters of the "Times" Commissioner.

His honour observed :—

"I have no hesitation in stating, that although in point of law, on the authorities I have referred to, and particularly the case of '*Pulling v. Armitage*,' the petitioner's suit could not be sustained, yet nothing can be more repugnant to natural justice than that a landlord should look on at a great expenditure carried on by a tenant from year to year without warning the tenant of his intention to turn him out of possession. The defendant's offer

to allow Dr. O'Fay to remove the buildings was a mockery. I have no jurisdiction to administer equity in the natural sense of that term, or I should have no difficulty whatever in making a decree against the defendant. I am bound to administer an artificial system, established by the decisions of eminent judges such as Lord Eldon and Sir William Grant, and *being so bound, I regret much that I must administer injustice in this case, and dismiss the petition.*"

Yet civilised Christian people, with those notorious every-day flagitious acts not only published but promulgated, persist in saying that the poor Celt is unworthy of any alleviation of this odious serfdom; doomed to drag out a precarious existence under the axiomatic lesson that "sufficient for the day is the evil thereof;" refused the security of a lease to protect his only capital, the gift of an all-seeing Providence—the sweat of his brow—and obliged to rely on the toleration and honour of a class of whom Lord Digby, Earl Leitrim, Scully, and Knox and Dias, are a faithful type. Can a man be justly reproached with disaffection to his Sovereign, when one of the highest judges in the realm deplores from the bench that his decree is pronounced under the constraint of the existing law, which he does not hesitate to stigmatise as the essence of injustice?

Before leaving this branch of the subject, I will take leave to introduce two other noble lords who have estates in Ireland—Lords Portsmouth and town. The former, it seems, gives leases, which

his neighbours seldom do, except for short terms, when they depart from their usual practice. I will state the results in the words of Lord Courtown, a very unwilling witness, who says, "It is only fair to the tenants (of Lord Portsmouth) to say, that by their industry and intelligence they have made such use of their advantages, which are not greater than those enjoyed by others, as to make the town of Enniscorthy and the Portsmouth estates in this county conspicuous for the general air of prosperity which pervades them." (Letter to the "Times," 16th September, 1869). As Lord Courtown resides in the County Wexford, in which the property is situated, he may be supposed qualified to describe it; and he will not be suspected of partiality, having taken great umbrage at Lord Portsmouth's previous allegation, "that landlords refused leases for political reasons." I give Lord Portsmouth's letter in full:—

"To the Editor of the Times.

"Sir,—I was very much struck with a letter from Colonel Greville-Nugent which appeared in the 'Times' of the 7th inst. on the Irish Land Question. As an Irish landowner I can endorse every word of that admirable letter. The most salient point of the present law is that which vests all buildings in the landlord as in England. Like Colonel Greville-Nugent, I must repeat, in England the landlord finds all buildings; in Ireland he finds none. The

law in Ireland ought to accord with the custom, and should allow the tenant liberty of removal. This would practically award compensation to the tenant for buildings erected by him. For political influence, I am sorry to say in too many cases, Irish landlords refuse to grant leases, thereby reducing their tenants to the position in which leaseholders of houses in Grosvenor Square would be if Lord Westminster should refuse to renew leases, and would only allow his tenants to hold over at increased rents subject to repairing covenants, but liable to receive notice to quit at the end of six months. Would Englishmen stand that? Under such a policy would many fine houses be rebuilt? No country in the world can flourish under such a system. Since 1822 the experiment of 31-year leases, with free liberty to sell them, and practically vesting all buildings in the tenant, has been tried on my estates in the county of Wexford, with the following results:—Badly-cultivated patches of land, with wretched hovels on them, have been changed into well-cultivated farms with first-rate homesteads. The rental has more than doubled, is punctually paid, instead of irregularly paid. Discontent and misery existed in 1822; prosperity and contentment exist in 1869. Vinegar Hill was the head-quarters of the Rebellion in 1798; now no more loyal and contented population exists than that which surrounds it. With such results, are not landlords blind to their own interests who refuse to their tenants the common justice of

leases with equitable covenants? By what law of right can buildings which a tenant built and paid for belong to his landlord?

“ I remain, Sir, yours faithfully,

“ PORTSMOUTH.

“ *Hurstbourne Park, Whitchurch, Hants,*
September 9.”

I append Colonel Nugent's letter to which Lord Portsmouth alludes :—

“ *To the Editor of the Times.*

“ Sir,—Possessing land in both countries, I can speak from experience on this subject. ‘ A Lincolnshire farmer ’ has asked why the Irish should be dissatisfied with a law similar to that which prevails in England, overlooking the fact that a law which may be just when applied to the existing state of things in England is inapplicable to a state of things the very reverse in Ireland.

“ In England the landlord invariably provides the dwelling-house, stables, barn, cow-sheds, and other necessary offices, besides gates, fences, &c., on the farm, and the occupier has merely to provide what is necessary to till the land, to sow, and reap, and gather in his crops; whereas, in Ireland, as a general rule, the landlord provides only the land, and the tenant has to erect everything he requires.

“ The same law prevails in both countries, but see how differently it operates. The English landlord gives his tenant six months’ notice to quit, and gets back his land with all the buildings he has erected. The Irish landlord gives his tenant six months’ notice to quit, and gets back his land with all the buildings which the tenant has erected, no matter how valuable, without the tenant having the power to claim one sixpence. The law says the land and all that is erected upon it belongs to the landlord, and thus enables him to confiscate the property of the tenant at his pleasure. I do not believe that the like can be found in any other country in the world. It is adverse to the public weal, it cramps the energies of the farmer, and is really injurious to the landlord.

“ We must make the law thoroughly just, and then we may hope to see it respected. When the law extends the same security to the property of the tenant that is enjoyed by the landlord in respect of his property, then, and not till then, shall we find the people pay a cheerful obedience to the law. Hitherto the law has been all on one side. Hence the sympathy that is felt by the population for those who break the law.

“ I am, Sir, your obedient servant,

“ FULKE S. GREVILLE-NUGENT.

“ 34, Grosvenor Square, Sept. 6.”

It will be observed that Lord Portsmouth attributes the loyalty of his tenants to their prosperity, while

Lord Courtown ascribes it—where it does exist—“to their reading the Bible, which teaches them to honour the king.” Yet, curiously enough, Lord Courtown’s ancestors acquired their property by bringing Charles I. to the block.

If Lord Courtown ever looked over the Blue Book containing the evidence given before the Parliamentary Committee appointed to inquire into the conduct of elections, he could not fail to see that “political influences” induce the landlords enormously to withhold leases, that they may retain the power of intimidation over their tenants at contested elections; and in order to invest that influence with the semblance of authority, and render it all more apparently formidable, they persuade the Government to abet them with the terrors of the military, who are freely employed at Irish elections, engendering all sorts of bad feeling and calling into play each passion of the worst description.

In my native county of Sligo, it appears that the military marched the voters, *nolens volens*, several days before the last election into the different polling towns, and there immured them in gaols, court-houses, and other places under Government control, until they were led like so many sheep to go through the shameful mockery of exercising their franchises. General M’Murdo, who had the command of the troops on that occasion—as well as his brother officers—said that he imagined he was only doing his duty, acting, as he believed, under Government

orders, and that he thought the voters were to be taken whether they liked it or not. The unsophisticated people, too, were impressed with the notion that they had no alternative but to go, and that the soldiers were sent by the authorities to fetch them, surrounded as they were, like so many prisoners of war, with fixed bayonets, and hustled along like a troop of vanquished enemies.

This is "political influence with a vengeance," where the military, at the instigation of the Tory non-leasing landlords, are converted into electioneering tools. Such proceedings are altogether subversive of the belief that the law is impartially administered, seeing that the military are specially interdicted from interfering at elections throughout England, Scotland, and Wales; besides, when a standing army is an institution of the State, it should, "like Cæsar's wife, be not only pure but above suspicion." What high-spirited young Irishman would enlist when he saw that one of the duties he might be called on to perform would be to goad his fellow-countrymen into the betrayal of their honest convictions, perhaps perjuring themselves besides, in taking the bribery oath, for they are virtually bribed who vote in obedience to their landlords' dictates to avoid eviction?

Some Scotch landlords attempted intimidation, but their independent tenants exercised the franchise conscientiously in opposition to them, and with impunity, too, because they had leases. In Wales, where yearly

tenancies predominate, the proprietors succeeded better—though not in all cases—and evicted the sturdy peasants who presumed to vote for the candidates of their choice. But in Ireland, where, as a rule, leases are not granted, the landlords, using their “political influence,” tyrannised most effectually, warning their Catholic tenants with an amount of candour they rarely exercise, “that if they did not vote for the Tory candidate they might go to America,” and evicting the refractory wholesale. Yet, in the teeth of such incontrovertible testimony, Lord Courtown dares to affirm that “leases are not withheld from political influences:” he might as well have included religious influences in the category; though he about the same time ordered his land steward to advertise a farm—but that none but Protestants need apply.

If I was not restrained by the sense of supererogation in offering demonstrations of self-evident propositions, I could quote numberless cases showing the sad evils resulting from the abnegation of leases; and the bright contrast they diffuse wherever they are habitually granted; but I shall content myself at present by cursorily advertg to, and disposing of, two bugbears which are persistently paraded before British apprehension. I allude to subdivision of property and squatting, which, when leisurely scrutinised, are no better than transparent phantoms, with as little tangible substance as Pepper’s ghosts, and about as much reality and truth as Home’s

table-rapping or the ludicrous spiritualism of the Davenport brothers. The fact is, that under the existing law landlords can effectually prevent the subdivision of their estates, by simply interdicting it in their leases under pain of forfeiture; but by way of making security doubly sure, what could be easier than the introduction of a clause in the coming Land Act prohibiting any such practice, by declaring it illegal either to sublet or subdivide? Thus even the benevolent caprice of an easy good-natured man would be frustrated by statute. As to squatting, it is scarcely worth while wasting ink about it. If a man can squat at pleasure, what a simpleton he must be who would select a bleak corner of the estate to locate upon, when the same right (if it did exist) would entitle him to throw up his mud cabin on the sheltered pleasure-grounds contiguous to the family mansion, or, finding them too damp, to transfer his quarters into the boudoir or the drawing-room. The truth is, squatting has passed away, like "the light of other days," in Ireland, and if we like to hunt up a relic of the custom we must cross the Irish Channel and search for it through the apocryphal rights of gipsydom. If the Red Indian or the Black Negro throws by the blanket for the attire of civilisation, he regards the one with contempt, while adopting the other with the pride of progress, and would resist retrogression with his life; yet enlightened men, aspiring to the reputation of philosophy, and statesmen sit down to write or stand up to speak, "de-

claring their fears that if Irishmen got leases they would degenerate into savages."

I now come to the kernel of the subject, the contemplated Land Law, regarding which I will venture offering my suggestions, not in that arrogant spirit which would go to label them as the *ne plus ultra* of wisdom, but in the humble hope that they may contribute some particle of insight into this difficult question. I sincerely believe that one main element of old England's stamina and greatness is traceable to the devout regard she has evermore entertained for the past, as well as the phlegmatic resolution with which she adheres to the present, until the *tempora mutantur* helmsman, seeing everything clear, cries out "turn ahead," and even then, when gliding into the future, her cautious wisdom keeps a bright look-out for the interests of posterity. Consistency, up to a certain point, is highly commendable; but when a man nails his colours to the mast and elects to go down with his shattered bark instead of escaping in the life-boat, he merits his doom, and unregretted buries his memory in the same deep grave. Our ancestors were wise after their generation, but if bereft of all the benefits of modern sagacity I much question if our respect for antiquity would have survived to the present day. Coke used to boast "that English law was the perfection of human wisdom;" but how much of that wisdom has been repealed, how much suffered to lapse into desuetude. Blackstone's Commentaries, which, next

to Holy Writ, were revered by all aspirants to the woolsack, are no longer the intact and sacred textbooks of legal disciples; though late editions may be imbued with his spirit, they only convey the scattered crumbs of that great man's wisdom. Olden statutes declare that a man catching his wife in the act of adultery may kill the adulterer according to law, but the same perfection of human wisdom has no bowels of compassion for the wretched man who tearfully sees his aged father, or mother, or darling wife and her newborn infant cast into a ditch to die. This is a species of perfection which counts a diminished body of worshippers in the present day, and I hope the coming session of Parliament will establish a modern programme of perfection more suitable to the age we live in.

It is an egregious mistake to tax the England of late days with the backward state of Ireland, which was altogether owing to the one-sided legislation of class interests, as if the senators who assembled on College Green desired to tax their ingenuity in devising schemes to aggrandise the landlord and grind the unfortunate tenant. When England effected the Union, it was not so much for her own aggrandisement as in the expectation of ameliorating the unhappy condition of a fainting country, oppressed and impoverished by the infamous laws enacted by a native parliament, and of raising her up to the level of sisterly equality. If the results have not equalled the aspirations, we must take comfort from the sage

reflection, that "it is not for mortals to command success;" but in time to come they may deserve it. Lord Campbell, in his "Lives of the Chancellors," relates how in bygone days Chancellor Rotherham became suddenly popular by procuring the enactment of a law obliging all Irishmen born, or coming of Irish parents residing in England, either to repair to and remain in Ireland, or else pay yearly a certain sum there rated for the defence of the same, &c.; but I trust Mr. Gladstone will obtain a far greater meed of popular favour by passing a measure unleavened with the penalty of compulsion, and so combining contentment with patriotism that the inhabitants of Ireland will gladly accept their lot to live and die in their native island, amidst the blessings of peace, and enjoying the guarantee of security for their industry.

On the threshold of the great pending discussion it should be clearly borne in mind that, according to English law, a man cannot have that absolute ownership of land which he may have of a chattel; he can have no more than a limited interest, or, as it is usually expressed, an estate in the ground. Besides having an interest or estate in his land, the owner is a trustee for the State; and the existing Government should see not only that he does not abuse his trust, or endanger the peace and order of the commonwealth by defrauding his tenants, but that he duly performs his duties, of which the promotion of agriculture is the most important; for in all countries where any degree of civilisation prevails, agriculture

must be the chief object of the people's desire. It has been so from time immemorial; and Sully, in his own quaint way, declares "that agriculture may be said to be one of the breasts from which every State draws its nourishment." Minerals are not reproductive, but land is everlasting, and should be nursed and carefully tended in every respect; and though Sir Roderick Murchison may predicate, and Sir William Armstrong pronounce, coal-seams will be worked out, and turf-banks cut away, and sooner or later the day will come round when steam cannot be generated, and then the long-neglected motive power of water will be king, and its reign will be without end, and the land through which it flows will teem again with "milk and honey,"—strikingly typifying the fine old simile of Sully, if our legislators only cast the horoscope of the times as they ought.

Lunatics and minors are deprived according to law of the control of their properties, because they may perhaps misuse them. Surely, then, if a portion of Irish landlords, dim-sighted by moral blindness, or labouring under any other diseased frame of mind, persist in ignoring their own interests and the well-being of the State, by refusing to grant leases, the State should compel them to administer their trusts with reasonable prudence, and in accordance with the peace and progress of the empire. Lunatics or minors *might not* misuse their trusts to the detriment of their properties and the hazard of the public weal; but the law acting on apprehension assumes all powers

and jurisdiction in their cases, while it is cognisant, and has (as they say) legal eyes to see the flagrant and dangerous practices of the present landlords. The law arbitrarily interferes in the ordinances of merchant shipping, it regulates the hours of labour in manufactories, it prohibits the home growth of tobacco, it prescribes rules and regulations for railway companies, and, studying the convenience and interests of the State, can alienate any portion whatsoever of the estate vested partially in the lord of the soil, however repugnant the deprivation may be to him; and wherein, let me ask, lies the incompatibility in principle of the right of interference in compelling the just performance of duties which are loudly demanded by an overwhelming majority of the population? As the "Daily Telegraph" justly says, "Once let it be seen that Parliament seeks to encourage permanency of tenure, and a public opinion will be roused that will operate largely as a restraint on all despotic and capricious landlords, who by chicanery or by threats will no doubt oppose themselves to the spirit of the law."

But to descend at once from the field of speculation and conjecture, the impression is now acknowledged, the conclusion fully assured, that a final and satisfactory settlement of the Land Question can only be accomplished by the granting of leases pure and simple, unembarrassed by any complex arrangements of arbitration or compensation, however fair and plausible they may sound or seem. Successful expe-

dients have evermore been simple and natural ; while marvellous models of elaborate ingenuity, that may astonish the visitors of Polytechnic galleries, are rarely, if ever, adopted by astute practical mechanics : and so will it be with any Land Bill, encumbered with delicate or intricate machinery. The *sine quâ non* now expected, and in fact demanded, is a lease shorn in as far as possible of all penalty, devoid of all technical verbosity. A landlord who really means what he says should not hesitate to ratify it under his hand and seal, *litera scripta manet* ; but verbal promises or agreements are liable to be overcome by temptation, or to be lost in infirmities of memory. The man who has a lease has a stake in the country, as well as the holder of Consols. Lord Brougham once said, Great Britain was bound over to keep the peace in recognisances of eight hundred millions sterling, and I am fully satisfied the multiplication of leaseholders would be most undeniable collateral security, for throughout an active magisterial career I rarely, if ever, found the man in possession of a lease, either implicated in an agrarian outrage, or a member of an illegal society. The man who under the security of tenure would clear and cultivate the primeval pine forests of Canada, would much more cheerfully and quickly reclaim the bottom land round his hovel, if assured he would be permitted to enjoy the accruing benefit of his toil.

However, Bentham's maxim, "the greatest happiness of the greatest number," can be safely ignored

no longer. And studying the grave imports of the times, even Lord Byron's prophetic warning—

“ I think I hear a little bird that sings
The people by-and-by will be the stronger,”

though it may be cavalierly set down as poetic raving, cannot, with prudence, be entirely disregarded. Wise and far-seeing statesmen, who take their cue from the strong current of events, should endeavour to anticipate the clamours of the *oi polloi* by converting popular discontent and disaffection into universal fealty and good neighbourhood, without erasing the existing grades of society or obliterating those old national landmarks which are so well calculated to inspire respect and veneration when observed in the proper spirit of brotherly love.

Having said this much, I must hurry to sum-up, after giving a few extracts from a calm, well-considered speech delivered by Lord Carnarvon, as President of the High-Clere Agricultural Association, to that industrial body, and some brief quotations from the thirteenth letter of the “Times” Commissioner and M. Leonse de Lavergne, to which I will append some observations of my own. Lord Carnarvon proceeds to say:—“Gentlemen, the real grievance in Ireland is this: where the tenant—and remember that, generally speaking, it is the tenant of a very small holding indeed, sometimes 10, sometimes 5, more often 2, and 1 and 1½ acres—where the tenant has made improve-

ments with the tacit consent of the landlord, in the absence of a lease, and is not to receive compensation for those improvements. That is, I maintain, an injustice which could be remedied, and which ought to be remedied, and which only requires good sense and moderation on the part of the men to deal with it. I believe the real principle by which that difficulty can be overcome is by a proper system of leases. (Hear, hear.) In every other part of the world leases are being adopted more and more. In France, the terms under which a large portion of the soil is held is gradually passing into the lease system. In Ireland it has been said—and it is a remarkable fact—that where leases have been given, there emigration has, to a great extent, diminished. In England we have no difficulty in dealing with any of those questions by means of leases. Of course you may modify your principle of leases one way or the other; that is simply a question of detail. But the principle whether you have a lease or not is the one which, I believe, really underlies this question; and one of the most eminent land agents who was accustomed to deal with a large amount of property, stated in evidence a year or two ago that he was satisfied that, whatever might be the trouble and difficulty in the first instance of bringing leases into operation, the moment those leases were settled very much of the present conflict and irritation would subside.” By granting leases, his lordship continues:—“ You appeal at once to the moral sense of

men. Here are stated in black and white the terms by which both party is bound ; and neither one can avoid the obligation without feeling he has been wanting in good faith and honesty towards the other. If you can produce such a feeling as that, I say you have gone a very great way towards curing some of the difficulties under which Ireland labours. In these days we very often hear a great deal said, especially with regard to Ireland, as to the merits and excellencies of small holdings. Now I personally am—I have always been—friendly to small holdings. I have often refused to unite small holdings to make larger farms, and I have often tried to create, under certain circumstances, small holdings where I thought they would be beneficial. I believe that small holdings—or, rather, I should say, because this is the whole point of the matter, a certain proportion of small holdings to be very advantageous and very good for the individual, because they give him, as it were, the opportunity of ascending certain steps in the social ladder, by which the labourer can gradually raise himself into another condition, and ultimately into another sphere of life, from that in which he started. It has been the glory of England that in every single branch of public life those steps on the great social ladder of improvement have never been wanting ; and, please God, the day will never come when these opportunities will be taken away, because it is our glory that the highest place in law, the most exalted position in the Church, the highest

position in the land, may all be claimed and obtained, however low may be the sphere, and however humble may be the rank, in which the man commenced life. I trust it may ever be so." His lordship's peroration is conceived in the same impressive admonitory style:—"Remember one thing. Whatever proposals are made in Parliament or out of Parliament, we who have any conscientious sense of responsibility have a duty to discharge to Ireland. We are responsible for the legislative panaceas to be put forward. We have no right hastily, or from a false love of popularity, or any unworthy motive, to offer to Ireland as a boon that which is no boon at all. You have no right to offer her a stone instead of bread, which she is always asking at your hands. We know very well that a great deal of good in this world springs out of evil, as it is said, and it is a most merciful dispensation of Providence that it is so; but I often think the half of the evil is done by well-intentioned people, and that in a great many of the schemes proposed in regard to Ireland, in all good faith, and with all desire to do right, there has been very much of this—namely, that the intentions have been better than the reasoning power that has proposed them."

The granting of leases would, I am assured, work wonders in a moral and religious way, and that in a wondrous brief space of time. Irishmen would soon cease to be obnoxious to the odious reproach of sympathising with crime, which in reality does not originate in evil propensities, but takes its rise in those

all-pervading instincts which go as a whole to constitute human nature. An Irish peasant sees a fellow-creature relentlessly hunted that he may be caught and dragged to expiate an outrage which the wild justice of revenge prompted him to commit as a measure of retaliation ; and pity, appealing to the heart, instigates the neighbour to proffer the fugitive the protection of shelter ; but let the rule be adopted that all peasants shall have leases, and the prevailing sentiment would rapidly change from compassion to abhorrence. The evil-doer would find no resting-place or commiseration in the midst of a thriving community, for foul deeds are encouraged by the expectation of impunity. His lordship says, "I am personally, and ever have been friendly to small holdings"—which cannot be abolished in Ireland at the present day without precipitating widespread anarchy and bloodshed.

As it will be gratifying to his lordship to feel that his convictions are well founded, I append a condensed summary from the Government valuation of 1868, by which it appears that Ulster contains 631,768 acres under agriculture more than Munster, and more than one-half as many farms rented over 50*l.*, while the holdings let from 4*l.* to 20*l.* are, for the area, nearly treble the number, yet, in contradiction to the prejudice against small tenancies, the cereal crops of Ulster are worth fifty per cent. more than those of Munster, notwithstanding its great superiority of soil and climate. The live-stock are equal, that of

Ulster having increased the more rapidly since the evictions and consequent emigration from Munster. The population per square mile of the former is almost one-third more than that of the latter, and the number of paupers and cost of supporting them very nearly one-half less. When we investigate closely the greater progress which Ulster so truly boasts of, we can clearly trace it to the security conferred by the custom of tenant right, as contrasted with the precarious yearly tenure of Munster. In France we find "One thing is perfectly certain. The North-west has not thriven best because the partition of the land has been least carried out there. In no part of France is the subdivision of the soil carried so far; and M. de Lavergne, who is by no means a fanatical admirer of small holdings, asserts that, as a general rule throughout France, the most thriving parts are those where subdivision has been most extended. In one part of his work M. de Lavergne states that one-third of the cultivated soil of France is held by proprietors with an average holding of seven hundred acres, one-third by proprietors with an average holding of seventy acres, and one-third by proprietors with an average holding of seven acres. M. de Lavergne, in another part of his work, asserts that there are fifty thousand properties in France of above five hundred acres each, and he invites his readers to look at the newspapers and observe how many properties are offered for sale which consist not only of hun-

dreds, but of thousands of acres. The Commission shows subdivision goes on increasing in France, and it is carried on successfully. If it led to ruin, the French must have found it out before this time, whereas they still pursue it eagerly, and they undoubtedly make it answer. But still the main point to notice is that small holdings and agricultural wealth have, during the last half-century, gone together in France, and that large holdings and small holdings can go on together, each having, and being recognised to have, their separate advantages." *

It has evermore been the pride and boast of our country that the most lowly citizen could attain the most exalted dignity. In fact it is an edict of nature cotemporaneous with creation that gradients should exist throughout all animated nature; and it would be an ominous day when mundane arrangements would attempt to controvert it. If ever the time should come when the few who have reached a proud eminence should selfishly kick down the ladder by which they ascended, depriving the many of all hopes of preferment, the age, I fear, will be fraught with physical peril and disaster. In a word, however methodical and grasping men may set their hearts on squaring and increasing the areas of their holdings, I devoutly trust we shall always have amongst us legions of such influential and right-minded men as Lords Portsmouth and Carnarvon,

* Saturday Review.

who, influenced by the maxim of "Live and let live," will raise their voices on behalf of those whose thews and sinews constitute their only inheritance. Small farms, as a rule, will find few advocates; but, forming as they do the intermediary steps of the ladder of progress, they cannot be abolished, especially in Ireland, devoid as it is at present of mines and manufacturing, where the only resource of the poor man—the only means whereby he may maintain a miserable existence—is the land.

I will now take an extract from the thirteenth letter of the "Times" Commissioner, written in the heart, as it were, of Ireland:—"The live-stock of Meath, its staple product, has increased in value since 1841 at the rate of about fifty per cent.; the value of the live-stock of Louth and Kildare has increased in about the same proportion; but there has been an increase of more than sixty per cent. in the value of the live-stock of Wicklow. In this there is, perhaps, nothing remarkable; but when we add that between 1855 and 1868 the agricultural area of Meath has diminished at a rate of not less than seventeen per cent., whereas that of Louth and Kildare has contracted at the rate of six per cent. only, and that of Wicklow has hardly diminished at all, this difference certainly is significant. It should be observed, too, that this slowness of progress in the case of Meath coincides with an extraordinary decrease of population; and that, except in the instance of Louth, the more rapid prosperity of the other counties has

concurred with a much smaller decrease ; the number of the inhabitants of Meath having been reduced, since 1831, at the rate of eighty-two per cent., that of Kildare little more than one-third, and that of Wicklow about one-half. Curiously enough, moreover, the average size of farms in Meath is very much larger than in any of the other counties, and in Meath the consolidation of holdings has been remarkable of late years. These facts do not warrant any wide conclusions ; but they are certainly suggestive and interesting ; and may possibly indicate that the point has been passed at which, painful as it is to write it, a reduction of the redundant population was an essential condition of progress in Ireland."

I shall only select one topic for comment from amongst the many which the foregoing suggests, and that is the lamentable but marvellous decrease of the population, which, according to the system now in vogue, appears to be an invariable condition of progress. So that where the Registrar-General sets down an increase in the numbers of live-stock, such as horses, cattle, and sheep, it may be regarded as an inevitable result that the census of human beings, men, women, and children, has receded in a corresponding degree. Thus in accordance with modern political economy population is coerced to move off that bullocks and sheep may increase and multiply ; or, while gentlemen graziers are improving their farms, they are improving their fellow-creatures off the face of the earth. The eloquent and glowing

portraiture of the county which the Commissioner gives when surveying the wealth and beauty of Meath is overcast with melancholy gloom, when he goes on to tell his readers that this seeming beneficence has been purchased by the cold-blooded extrusion of eighty-two per cent. of the population, or more than four-fifths of the inhabitants, leaving only twenty out of every hundred, or two hundred out of every thousand : thus applying the calculation of material progress to the entire island, when it shall have arrived at the same pitch of improvement as Meath, only about one million of people will remain to be counted amongst the aggregate number of hereditary bondsmen. This, indeed, is improvement with a vengeance ; and well and truly may the Commissioner say, "the point has been passed at which, painful as it is to write it, a reduction of the redundant population was an essential condition of the progress of Ireland."* When standing on the

* In 1841 the population of Scotland only numbered 2,500,000, while that of Ireland bordered upon 9,000,000 souls. In 1861 the census of Scotland showed that it then contained 3,750,000, while that of Ireland proved that the inhabitants decreased to 5,500,000. If those rates of increase and decrease have been maintained during the last eight years, Scotland should at present contain a population of 4,250,000 people, and Ireland should have dwindled to about 4,000,000 ; so that the kingdom, smaller by much, with a far greater area of mountain and morass, and with a more northern and more inhospitable climate, outnumbers the population of Ireland, which has evermore been proverbial for its agricultural and pastoral fertility. Manufactures may account for a small proportion of the increase ; but if the striking anomaly is fully and truly explained, it is to be found in the wide differences of the land system, which the late Parliamentary Committee showed to prevail in either country. While in Scotland almost every tenant held

elevated points of Meath, Roscommon, Mayo, or any other of the grazing counties, and casting my eyes over their vast expanses of pasture tenanted alone by dumb quadrupeds, with only an isolated herd's cottage to be seen at wide, wide intervals, I reflected with mournful recollection on days long past, when crossing the boundless prairies of America I have silently surveyed their fertile, undulating surfaces ever and anon crossed by roaming herds of buffalo or deer or antelope, while the thin blue wreaths of smoke in the distance issuing from the wigwams of the Red Indian denoted the small encampment of those wandering children of the wilderness; but the modern improver "makes a wilderness and calls it peace." Better—vastly better that John Bull should have an occasional attack of the scurvy than that Ireland should be converted into a home park to supply him with fresh and toothsome esculents. I wonder if it ever occurs to him that in the revolutions of time mercenaries are no longer to be procured. Hessian hussars or Swiss guards exist no more, and foreign legions could not be had for love or money, in case we were to drift into another Crimean war. If Ireland is to go on improving until her population is reduced eighty-two per cent., the recruiting sergeant may flaunt his ribbons and beat his drums throughout the length and

the security of a lease, in Ireland ninety-five per cent. of that class were tenants from year to year; and therefore liable to "felonious" extrusion by their landlords.

breadth of the land without finding a single worthy recipient of the queen's shilling, though the soldier's standard has been reduced, and his pay and his comforts have been augmented. Yet we keep building iron-clads, as if they did not require to be manned, and rewarding the inventors of Henry-Martini rifles, as if they could go into action without recruits to carry them.

The Commissioner follows up his remarks by the annexed truthful and suggestive paragraph, to which I shall abstain from adding a single word :—

“The rich gentlemen and rich farmers in this county are, speaking generally, exceedingly rich; the peasantry and agricultural labourers are, as I have noticed, exceedingly poor; and the line of separation between these classes is marked by harsh and grievous distinctions. To this circumstance, and, also, because evictions during the last twenty years have been very frequent in Meath, is, I am convinced to be mainly ascribed the peculiar spirit of discontent which is too prevalent in this county. The poorer classes, forced off from the soil by the operation of influences they cannot comprehend, and often pinched by distress and want, feel angry and jealous of the rich.”

I shall finish my quotations by inserting the following extract from the same letter, which will show to the most purblind that where protection and kindly encouragement are vouchsafed to the Irish peasant his sanguine temperament and excitability

are directed into a channel which leads to a haven of contentment and happiness :—

“The landed system of Meath has some features that distinguish it broadly from the landed system of any of the other counties I have seen. As early as the close of the twelfth century this magnificent region was parcelled out among Norman barons of the Pale; and though the wave of revolution and civil war has passed over Meath like the rest of Ireland, a considerable number of families in this county are descended from the first conquering settlers. A large proportion of these still adhere to the Church and the faith of their forefathers, and perhaps an eighth of the soil of Meath is in the ownership, at this time, of Roman Catholic gentlemen of ancient lineage. I made particular inquiry as to the effects of this coincidence, so uncommon in Ireland—the relation of landlord and tenant adorned by long association and religious sympathy; and, as might have been expected, these estates are usually centres of order and content, though, as I shall notice hereafter, the elements of disturbance abound in Meath. Not that many of the Protestant landlords of the county are not quite as liberal to their dependents, as kind-hearted, as generous, as humane, as the representatives of these Catholic houses; but the great link of community of faith, continuing through centuries, being absent, they are not equally identified with the people, and not equally beloved by them. I visited the abode of one of these ancient families,

and was forcibly reminded how all that I saw was in harmony with traditions and sentiments that appeal to the hearts of the Irish peasantry. The sad features of one of the House, a martyred archbishop whose name is still a byword of reverence in the country, met the eye in an antique miniature. A striking image of the penal code, from which lord and dependents alike suffered, was seen in a succession of portraits, in which plumed courtiers and dames, all jewels, gave way to obscure squires and their unknown helpmates. Close by the towers of a stately pile, over the porch of which a legend records that its first stone was laid in the reign of Henry II., is the chapel, where the heads of the family and their dependents during many generations have joined together in common worship. At a short distance is the consecrated ground, where, amid ruins made by Puritan guns, they mingle in death their dust together. All the country side tells the same tale of the goodness and virtues of the race ; how they have never disturbed a tenant, or thought of unfairly raising rent ; how gentle are their charities to the poor ; how well it is for those under their protection. ‘And yet why not?’ was the remark to me of a peasant, eloquent in his simplicity ; ‘they have been here these 700 years, and they have lived, prayed, and died among their own people.’

“Your readers in Ireland will easily recognise to whom this brief description applies. But it may not be so well known in England that the old Anglo-

Norman house of Fingal is not more remarkable for social worth than for discharging nobly the duties of property."

Yet this fine old peer, bearing as well the impress of a nobleman after Nature's own heart, would have as much chance of being chosen a brother at an Orange-lodge meeting as of being elected by that bigoted clique who have been awarded the proud prerogative of filling up the roll of the Irish Representative Peerage, whose latest addition is Lord Oranmore, "save the mark."

It now only remains for me to propound my project for amending the deplorable state of affairs I have endeavoured to describe, and this I presume to do with unfeigned humility, because at best I sincerely feel that my suggestions can only constitute a mere fragment of the great measure contemplated by her Majesty's Ministers; in fact, I have no hesitation in avowing that I never imagined I could prescribe a radical remedy; as the song says—

" I give thee all, I can no more,
Though poor the offering be."

I feel fully sensible there are many shortcomings in my propositions, which I offer somewhat after the principle of a military tailor who undertakes clothing a whole army without taking an individual measure. I do not guarantee a perfect fit in any instance, resting perfectly satisfied if my garments afford a good and uniform attire. This measure, so very anxiously

desired by all unselfish well-wishers for the peace and prosperity of the empire, will, it is to be hoped, be final, as well as comprehensive, embracing every aspect of the question, and while firmly enforcing the duties intrusted to the landlord will only trench on his territorial rights in so far as the interests of the commonwealth demand the judicious interference of supreme authority.

Though the tenant may loudly announce his grievances, the landlord also stands in need of legislative succour, for much of the disastrous complications which surround the just administration of real estate spring from the tangled meshes of the laws relating to land, which have tied down alike the good landlord and the bad. One of the great primary difficulties to which I advert is the position of the land as a commercial commodity, forming as it does the marked exception to all other articles of sale or traffic in this trading community. A man may bring his other goods and chattels to market, as necessity advises or prudence may dictate, without any delay or expense save that involved in ordinary mercantile transactions. He may go on the Stock Exchange of a morning, and ere noon comes round can sell his Consols and transfer his scrip to the tune of millions, subject only to the specified commission which can be calculated beforehand; but if he desires to sell his estate the title-deeds are only presumptive evidence of ownership; and no capitalist would think of consummating the purchase until after the tedious ordeal and enormous expenses

of searches were gone through, which that eminent and disinterested authority, Mr. Christie (as before shown), declares are "truly frightful," appertaining in the same degree to the great and the small possession, and subtracting at each transfer so prodigious an item from the price of the commodity. To my apprehension title to land could be easily assimilated to that carried on the face of Exchequer Bills. If necessity required, a banker could as well retain the one as a broker the other, and the sale could be made and ratified with as rapid economy in the former as well as in the latter case, if the holder of the title-deeds could be safely regarded as the owner. Registration is and always has been simply pernicious, and has entailed those manifold evils which have squeezed such numbers of estates into the Encumbered Estates Court and the Court of Chancery. When the former court makes a sale it gives an indefeasible title, as negotiable at the moment as a Bank of England note; but in quick process of time all Parliamentary titles become rapidly and instantaneously encumbered on the register, until they are finally laden with all those delays and expenses of searches which Mr. Christie has so aptly designated. In all dealings with real estate in Ireland searches are indispensable, and those made one hour will not suffice for the next, during which the land may be saddled with fresh liens. But the remedy is simple, and has been universally adopted in Great Britain, where the possessor of the title-deed is fully recognised as the rightful owner of the estate,

and legally authorised to sell it, without any other intervention than the ordinary agencies of sale, purchase and possession. The remedy, as I before said, is obvious. The Imperial Parliament has only to repeal the unwise and vicious legislation enacted before the Union, and assimilate the practice in every portion of the United Kingdom.

Then, again, the landlord's right to distrain should be abolished, as it is not only unjust but prolific of deep and intense irritation. He has not, surely, a more equitable right to seize the tenant's goods than any other creditor ; yet the right is reserved and enforced, retained as one of the lingering vestiges of feudal tenure when landlords were lords paramount and like all despotic oligarchs framed the laws they deemed best calculated to create and uphold their own selfish interest. The banker, one would think, by means of whose advance the cattle on the farm were bought, holding the dishonoured bill of the tenant, had as good a claim to distrain as the landlord, yet he is estopped at the very outset, *for nothing on the land can be sold in execution without paying the landlord a year's rent*. The distress moreover benefits the landlord much less than it exasperates and injures the tenant. If the latter does not replevy, the live-stock are locked up in a bleak pound, cruelly deteriorated in value before the day of sale comes round ; while the general expenses of the proceeding are absolutely ruinous to a person in an humble position of life. But he almost invariably employs an attorney to

commence an action of replevin, which usually ends in his bankruptcy, together with a suit against his bail. Besides, the tenant does not always know to whom the rent should be paid. I myself knew a case of the kind where a proprietor having mortgaged his land to a general trader in a neighbouring town, allowed the interest to get into arrear, when the mortgagee desired the tenants to pay their rents to him, as he was legally entitled to do, but the landlord forbade them, whereupon the mortgagee distrained all the live-stock and caused them to be detained in a filthy pound for several days ; whence they were only returned in most miserable plight after six or seven writs of replevin had been instituted.

I now come to the main point, which, divested of all sophistical pleas, cannot be gainsaid by any man professing either common humanity or Christian charity, which resolves itself into the irrefutable dogma that a bad landlord should be obliged to perform the duties which a good one discharges from an innate sense of justice. When last considering this very difficult subject I stated how the system I saw under operation worked on the estate of E. J. Cooper of Sligo, and I recommended its adoption under certain specified conditions. But public opinion has since undergone a very remarkable change, causing the demands of the tenants to uprise in a corresponding degree. And lest further procrastination should be pregnant with ominous advances of a similar character, it appears to

me that it would be eminently prudential to confront the land question without more delay, and endeavour to settle it finally. All schemes of compensation, however ingenious and plausible they may seem in theory, have been found on analysis to be wholly unpractical from their elaborate complexity; so that they have been growing in disfavour, while the lease pure and simple is fast becoming the favourite panacea for agrarian evils. Better, far better it is now said to have a moderately good practical measure than a more pretentious enactment, sure to break down in its initial application. The plain, simple security of a lease would amply satisfy the aspirations of the most exacting tenant. A lease short, understandable, unembarrassed by any covenants but those of a plain equitable nature, for all collateral clauses could be shortly provided against by the Act, which should make illegal, on pain of forfeiture of the lease, subletting, subdivision, or con-acring,* unless the tenant obtained the written assent of the landlord; these things might be forbidden in the lease, but if the landlord were to neglect on some occasion to enforce the covenant the tenant could continue to violate this agreement, pleading that the landlord had waived it.

* Con-acring is sowing and taking a crop out of the land held by another person. The Irish judges have decided that a tenant who con-acres does not sub-let or subdivide his holding. This mode of dealing is attended with most of the evils which result from subletting and subdivision, and invariably impoverishes the soil, and leaves it noisome and filthy with weeds.

Besides, it would shorten millions of leases, shorn as they would be of divers covenants, and conduce as well to greater cheapness and simplicity.

The standard of value might be well and inexpensively arrived at by the landlord appointing one arbitrator, the tenant another, and the poor law valuator acting as an *ex-officio* third party; for it is no more than reasonable to suppose that the knowledge and experience of such a public official, which obtained him his appointment, would admirably qualify him for duties of that description, while his previous assessment would serve as an excellent basis for arriving at a proper and satisfactory rent per acre. However, the rent reserved should in all instances be settled by some such fair and open valuation; under no circumstances should the landlord and the tenant be suffered to come to any private arrangement, under pain of the landlord not being at liberty to recover his rent; for all such understandings are productive of disagreements, exacerbations, and ultimate litigation.

The length of term or tenure should not, I conceive, present an insuperable difficulty if we adopt the rule followed by Insurance Companies, who compute the probable duration of life by deducting the age of a person from eighty, and taking two-thirds of the residue. According to this principle, if the average age of an applicant for a lease be set down at the mature term of twenty-six years, the deduction from eighty would leave fifty-four, two-thirds of which gives thirty-six years. This, without being open to

the traverse of an arbitrary term, should, I think, be quite satisfactory, for it would give the tenant an average life tenure, anything in excess of which might be plausibly resisted by landlords as a palpable infringement of their territorial rights; and I would further advise that no persons should be entitled to leases except those possessing the elective franchise, which would directly discourage diminutive holdings, and serve as a guarantee to the grantor; for a man clothed with the constitutional privilege of an elector might be safely intrusted with a lease. A uniform lease for a tenant's life would be open to the serious objection, that at his death—a very precarious contingency—the family would be left perfectly destitute, and we should have a constant recurrence of agrarian crime in its worst shape; but in marsh, moor, or bog-land, which required draining or reclamation, and the expenditure of toil, time and money before yielding any considerable return, the term, in my opinion, should be prolonged to sixty-one years; one which was deemed no more than reasonable by those olden landlords of the last century, who could not be accused of entertaining any undue sympathy for their Papist occupiers.

In any event, every lease should contain a proviso that in case a lessee, by crime or infraction of the law, should be deprived of his civil rights, the instrument should cease and determine; which to my thinking would be no inconsiderable guarantee for the peace of the realm, seeing that the holder would

be constantly surrounded by an interested and ever vigilant domestic police.

As tenant right, though capriciously, is fully recognised on several estates, from, I suppose, original agreements or understandings, it cannot possibly be considered arbitrary interference, should Parliament award the tenant a legal title to all the rights which long custom has sanctioned. And as the legislature has empowered the Encumbered Estates Court to sell properties and grant titles in cases where settlements would otherwise operate as a bar, the right of making leases in excess of any limited power could not for an instant be allowed to stand in the way of important modern legislation.

These suggestions, of course, only form a faint outline of the enactment I deem indispensable; but, unless some timely and decisive move is made in the direction of settlement, I honestly fear the long smouldering feeling of discontent will assume a disastrous and appalling shape. We may bend the bow to a certain curvature without fracture, as the Irish landlords have essayed with the toleration of their tenants; but elasticity or endurance have their limits, beyond which all tension is fraught with danger; and danger is now most peculiarly imminent, when a shrewd observant people have their confidence in the just administration of the law, so rudely shaken as it has been lately; for while the Lord Lieutenant declared in Cork, "If I look to crime it is very remarkable how small its amount is

in Ireland," the Chief Justice of the Queen's Bench thunders forth in Galway his conviction "that the peasantry of Ireland were leagued in an agrarian conspiracy to drive the landlords out of the country;" and not content with this monstrous assertion, he assumed the duties of a Crown prosecutor, and, usurping the functions of that eminent lawyer the Attorney-General, vehemently objected to strictly legal questions, admirably calculated to further the ends of justice, which were nevertheless put and answered, to the great confusion of his lordship; for one of them evoked from his landlord protégé, Captain Lambert, an answer which no one in a crowded court credited, namely, "*That he had been sued and had damages awarded against him for having done his duty as a magistrate.*" Altogether the general bearing of Chief Justice Whiteside, throughout the trial, engendered such disgust and general indignation, that his carriage in its passage from the Court-house to his lodgings was fiercely pelted with stones, a proceeding unheard of in the annals of the nineteenth century. It is rabid demeanour of this description, coupled with the grinding and felonious conduct of the lords of the soil, which fomented discontent into crime, and begets that species of sympathy which is cast as a foul reproach against the Irish people; but I have in my hand an official return, which I beg leave to quote in connexion with the Lord Lieutenant's declaration, which must go far in the estimation of every candid truth-loving man

that by comparison the Irish are the most moral and law-abiding race within the limits of the British isles :—

CORONERS' INQUESTS.—*The number of inquests held in England and Wales has shown little variation from year to year of late. The verdicts of coroners' juries at the inquests of 1868 were as follows :—In 261 cases, murder ; in 235, manslaughter ; in 3, justifiable homicide ; in 1,546, suicide ; in 11,033, accidental death ; in 157, injuries from causes unknown ; in 2,824, found dead ; in 320, excessive drinking ; in 110, disease aggravated by neglect ; in 191, want, cold, exposure, &c. ; in 8,094, death from other natural causes. The number of verdicts of murder exceeds the number of murders reported by the police, because in many instances the jury on the trial reduced the crime to manslaughter or concealment of birth, and the police return conforms to the decision of that jury. The number of coroners' inquests' verdicts of murder in England and Wales was 221 in 1862, 270 in 1863, 246 in 1864, 227 in 1865, 272 in 1866, 255 in 1867, 261 in 1868 ; and it is a startling fact that about two-thirds, sometimes more, are cases of infanticide. In 1863, 166 of the verdicts of murder were on inquests upon infants not more than a year old ; in 1864, 203 ; in 1865, 175 ; in 1866, 166 ; in 1867, 149 ; in 1868, 166.*

Returns of this sort are in a manner foreign to the subject in hand, but when the natural and inherent dispositions of a whole people are slandered and traduced in seeking to disentitle them to the meed of common equity and justice, I cannot refrain from making public a state of things which shows that their infirmities, at all events, are no worse than their neighbours.

THE END.

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